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La Gazette de L'État de Poudouchéry The Gazette of Puducherry

PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

EXTRAORDINARY

அதிகாரம் பெற்ற
வெளியீடு

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GOVERNMENT OF PUDUCHERRY LAW DEPARTMENT

(G.O. Ms. No. 35/LD/2019, Puducherry, dated 16th December 2019)

NOTIFICATION

The Criminal Rules of Practice, 2019.

(By order of the Lieutenant-Governor)

J. JULIET PUSHPA,
Secretary to Government (Law).

THE CRIMINAL RULES OF PRACTICE, 2019

In exercise of the powers conferred by Article 227 of the Constitution of India, section 477 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and of all other powers thereunto enabling, the High Court of Judicature at Madras, with the previous approval of the Government of Tamil Nadu and the Government of Union Territory of Puducherry, hereby makes the following Rules for the guidance of all Criminal Courts:—

CHAPTER - I

PRELIMINARY

1. Short title, commencement and application.— (1) These Rules may be called the Criminal Rules of Practice, 2019.

(2) They shall come into force with effect from 1st January, 2020.

(3) They shall apply to all the criminal Courts within the jurisdiction of the High Court of Judicature at Madras.

2. Repeal and savings.— On the coming into force of these Rules, all previous Rules governing any matter dealt with or covered by these Rules shall stand repealed and all circulars previously issued shall cease to have effect to the extent to which such circulars are inconsistent with these Rules:

Provided that, nothing contained in these Rules shall affect the validity of anything done, any action or decision taken or order passed under the previous Rules or Circulars before the commencement of these Rules.

3. Definitions.— (1) In these Rules, unless there is anything repugnant in the subject or context,-

(a) "Code" means the "Code of Criminal Procedure, 1973 (Central Act 2 of 1974)" as amended from time to time;

(b) "Court" means any Criminal Court as enumerated in section 6 of the Code excluding Executive Magistrates;

(c) "Form" means a Form appended to these Rules;

(d) "Government" means, wherever the context so requires, the Government of the State of Tamil Nadu or the Government of the Union Territory of Puducherry;

(e) "The High Court" means the High Court of Judicature at Madras;

(f) "Section" means the section of the Code;

(g) "Magistrate" shall include, if the context so requires, the Special Judges appointed under various enactments and who are empowered to take cognizance of offences directly.

(2) Words and expressions used herein and not defined in sub-rule (1) shall have the same meaning assigned to them in the Code or in the Indian Penal Code, 1860 (Central Act XLV of 1860) or any other law for the time being in force.

4. Sitting of Courts.— (1) The hours of sitting of Courts other than the High Court shall, as may from time to time, be determined by the High Court by an order in this behalf.

Provided that if the circumstances so require, the Court may commence sitting before the time prescribed and continue until such hour as may be necessary.

(2) Sunday shall be deemed a *dies non* and no case shall be heard and no judicial act formally announced or done on a Sunday.

(3) Notwithstanding anything contained in sub-rules (1) and (2), in case of absolute urgency, such as remand of accused, grant of bail in bailable offences and such other matters as may be specified in this behalf by the High Court, from time to time, the Magistrate or Court may pass orders on any holiday.

(4) No Presiding Officer shall pass any judicial order in his Chamber, except in cases where orders are passed immediately after *in camera* hearings.

CHAPTER - II**MAGISTRATE COURTS****INVESTIGATION AND REMAND**

5. Receipt of First Information Report and Occurrence Report.— (1) The Judges and Magistrates receiving First Information Reports and Occurrence Reports by prosecuting agencies, shall affix their full signature on each page, record the date and time of receipt on the first page and record their name and designation. The name or the number of the messenger shall also be noted. If the First Information Report/Occurrence Report is received by post, the envelope shall be initialled and preserved.

(2) The Judges and Magistrates receiving Inquest Reports, post-mortem reports, statements and other documents from the prosecuting agencies shall put their initial on every page with date.

(3) The receipt of the First Information Report or the Occurrence Report, as the case may be, shall be entered in the First Information Report Register immediately in consecutive numbers police station-wise without any gap in Administrative Form No.18 (Criminal Register No.18), which shall be maintained annually. First Information Reports/Occurrence Reports received after the Court hours or on holidays should be entered first in the First Information Report Register on the next working day. Pending First Information Reports of a year shall be brought forward in the register of the succeeding year.

6. Remand.— (1) No accused shall be placed under remand for the first time, unless he is produced physically. At the time of remand, the Judge/Magistrate shall see if there is any injury on the person of the accused. Any such injury shall be recorded in the remand order and the remand warrant as well. It is permissible to make extensions of remand through the medium of electronic video linkage.

(2) Where an accused is detained in hospital and if the Court is satisfied from the medical certificates/records that the accused is not in a position to be moved and produced before the Court concerned, the Judge / Magistrate shall proceed to the hospital, visit the accused and may remand or extend the remand period. Before proceeding to the hospital for remand, the Judge/Magistrate shall inform the Superintendent of Prison concerned for facilitating the prison officials to take the remand prisoner into custody.

(3) The Judge/ Magistrate may draw the actual conveyance charges incurred by them on such trips, from their office contingencies as provided in item II-(A) (2) of Appendix 7 to the Tamil Nadu Financial Code, Volume II. Such expenditure shall be classified as "Office Expenses" under "21. Administration of justice – AE. Criminal Courts." For Puducherry, the General Financial Rules, 2017 or the Delegation of Financial Powers Rules, 1978, as the case may be, shall be applicable. Such expenditure shall be classified as travelling expenses under the respective head of account.

(4) When an accused is brought before a Court subordinate to the High Court in execution of a warrant issued under section 390 of the Code, the Court, before committing him to prison, shall furnish in

writing to the accused, the Number of the appeal and the Court which issued the warrant. If the accused is committed to prison, the said Court shall forthwith report the same to the Court which issued the warrant.

(5) When an accused is produced for remand on his arrest, the Court shall furnish to the accused, a copy of the memorandum of arrest recorded by the arresting officer and if the accused has no means to engage an advocate, he shall be informed by the Court that he is entitled to legal assistance.

(6) The Magistrate shall not grant remands to police custody, unless they are satisfied that there is good ground for doing so. A request for remand to police custody shall be accompanied by an affidavit setting out briefly, the prior history of the investigation and the likelihood of further clues which the police expect to derive by having accused in custody, sworn by the investigating or other police officer, not below the rank of a Sub-Inspector of Police. The Magistrate shall decide after perusal of the affidavit. He shall personally see and satisfy himself about the accused being sound in mind and body before entrusting him to police custody and also at the end of the period of custody by questioning him whether, he had, in any way, been interfered with during the period of custody. Where the object of a remand is verification of the statement of an accused, he shall, whenever possible, be remanded to the charge of a Magistrate; and the period of remand shall be as short as possible.

(7) Whenever a Magistrate other than the Chief Judicial Magistrate/Chief Metropolitan Magistrate remands an accused person

to the custody of the police under section 167 of the Code, a copy of the order of remand with the recorded reasons therefor shall be submitted within twenty four hours to the Chief Judicial Magistrate or Chief Metropolitan Magistrate, as the case may be.

(8) In computing the period of 15 days mentioned in sub-section (2) of section 167 or the first proviso to sub-section (2) of section 309 of the Code, both the day on which the order of remand is made and the day on which the accused is ordered to be produced before the Court, should be included in Judicial Form Nos.14 and 25, respectively.

(9) When the accused is produced for remand, if it appears to the Judge/Magistrate that the accused is a juvenile, he shall record such opinion and forward him to the jurisdictional Juvenile Justice Board for further orders. The Juvenile Justice Board shall act in accordance with the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (Central Act 2 of 2016), as amended from time to time.

(10) *Classification of under-trial political prisoners.*— The remanding Magistrates shall make the initial recommendation for classification of under-trial political prisoners in the special class to the Chief Judicial Magistrate in the mofussil or Chief Metropolitan Magistrate in the city of Chennai, as the case may be, by whom the recommendation shall be approved or reviewed. Such prisoners recommended for classification in the special class shall be tentatively treated as belonging to that class until the orders of the Chief Judicial Magistrate or Chief Metropolitan Magistrate concerned approving or reviewing the recommendation is received.

(11) When a transgender is arrested and produced before a Magistrate, after passing the necessary orders in relation to his/her remand, the Magistrate shall pass an order to conduct a medical test on him/her by a competent medical officer not below the rank of District Medical Officer in order to ascertain his/her predominant sex orientation and obtain a medical report to that effect. Based on the said medical report, the Magistrate shall pass an order to detain him/her either in the Men Prison or Women Prison depending upon the predominant sex orientation, with a direction to the Prison authorities to provide necessary safeguards to ensure that no inconvenience is caused to the transgender by the other inmates and *vice versa*. Until determination by the District Medical Officer, the transgender shall be admitted to the Government Hospital in the prisoners' ward under security.

(12) When a woman accused, with her child of six years and below, is arrested and produced for remand, the Judge/Magistrate shall make all endeavour to hand over the custody of the child to any nearest relative and, if no such relative is available, he shall proceed with the remand of the mother and specify about the child in the remand warrant. If the child is above six years of age, it shall be handed over to any of its nearest relatives or the Child Welfare Committee, as the case may be.

(13) When an Investigating Officer produces an accused, who is said to have been involved in a crime, which took place not within the State of Tamil Nadu or the Union Territory of Puducherry, as the case may be, before a Judge/Magistrate with a prayer to grant a Transit Warrant for transmitting him out of the State of Tamil Nadu or the Union Territory of Puducherry and to produce him before the

jurisdictional Court, the Magistrate, subject to the provisions of sections 80 and 81 of the Code, shall record the date, time and place of arrest and shall give a Transit Warrant in Judicial Form No.83 by fixing a time for his production before the jurisdictional Court by taking into account the distance between the Court in which Transit Warrant is requested and the Court before which he is to be produced. The Magistrate shall also send a communication in Judicial Form No.84 to the jurisdictional Court in this regard.

(14) Sub-rules (1) to (13) shall apply to arrest by officers, other than police officers, who are empowered to arrest a person.

7. Procedure for arresting accused already in custody.—

Without prejudice to sub-rule (2) of rule 519 of the Tamil Nadu Prison Rules, 1983, an accused in judicial custody may be formally arrested by police or other prosecuting agency in any other case by serving on him, the grounds of his arrest in the office of the officer in-charge of the prison, countersigned by such officer and intimating the fact of such arrest to the Court which had remanded him to judicial custody and also to the Court before which the latter case is pending. On such intimation, the Court in which the latter case is pending, shall cause production of the arrested accused before it under intimation to the Court on whose order he is in judicial custody. On production of the accused before the Court in which the latter case is pending, such Court may remand him to police custody or judicial custody, as the case may be, under intimation to the Court on whose order he is originally in judicial custody.

8. Recording of Dying Declaration.— (1) The Chief Judicial Magistrate or the Chief Metropolitan Magistrate, as the case may be, from time to time, may nominate and notify in the notice board of the Courts in the District, a Magistrate/Magistrates in the District to record dying declaration.

(2) In cases of emergency, any Magistrate who has not been nominated under sub-rule (1) may record a dying declaration on receipt of a request from the hospital or police or otherwise.

(3) Before recording the declaration, the Magistrate shall disclose his identity to the declarant. The Magistrate shall ensure that the police or the relatives of the declarant are not present at the time of recording the dying declaration. He shall satisfy himself that the declarant is mentally fit to make a declaration. He shall also put simple questions to elicit answer from the declarant with a view to knowing his state of mind and that he was not tutored or influenced to make such statement and should record the questions and answers, signs and gestures together with his own conclusion in the matter. He shall also obtain, whenever possible, a certificate from the Medical Officer as to the mental condition of the declarant.

(4) The declaration should be taken down in the words of declarant as far as possible. The Magistrate should try to gather from the declarant, the particulars necessary for the identification of the persons referred to in the declaration. Every question put to the declarant and every answer or sign or gesture made by him in reply shall be recorded.

(5) After the declaration is recorded, it shall be read over to the declarant and his signature or thumb or finger impression obtained thereon, if possible, and then, the Magistrate shall sign the statement. No police officer shall be allowed to be present before or during recording of such statement.

(6) If the Magistrate does not know the language of the declarant, he may, if possible, engage a Translator or he shall record the same in an electronic device.

(7) After recording a dying declaration, the Magistrate shall arrange to take two photocopies of the same under his direct supervision and certify them as true copies. The dying declaration in original shall be sent in a sealed cover to the jurisdictional Court or Magistrate, as the case may be, through a special messenger or by Registered Post with Acknowledgment Due. One such certified photocopy of the dying declaration shall be furnished by the Magistrate to the Investigating Officer of the case, free of cost, immediately, with a specific direction to use it only for the purpose of investigation and not to make its contents public until the investigation is completed and final report filed. The other certified photocopy of the dying declaration shall be kept in a sealed cover in the safe custody of the Magistrate.

(8) After the completion of the process, the Magistrate shall make necessary entries in Judicial Form No.11.

9. Test Identification Parade.— (1) An application for conduct of test identification parade, shall be made under section 54-A of the Code by the Investigating Officer, to the Court having jurisdiction.

(2) On such application being made, the Court may direct the person so arrested to subject himself to test identification parade.

(3) The Court shall make a request to the Chief Metropolitan Magistrate/Chief Judicial Magistrate of the District to nominate a Magistrate, other than the Magistrate who has jurisdiction of the case, to conduct the test identification parade.

(4) Upon receipt of such request, the Chief Metropolitan Magistrate/Chief Judicial Magistrate shall immediately pass orders nominating a Magistrate, other than the jurisdictional Magistrate, to conduct test identification parade and inform the same to the Magistrate so nominated and to the Investigating Officer.

(5) The Magistrate so nominated shall conduct the test identification parade and after preparing the Test Identification Parade report, he shall arrange to take two photocopies of the said report under his direct supervision and certify the same as true copies.

(6) He shall send the test identification parade report in original in a sealed cover to the jurisdictional Court through a special messenger or by Registered Post with Acknowledgment Due.

(7) One certified photocopy of the Test Identification Parade report shall be furnished by the Magistrate to the Investigating Officer of the case free of cost, immediately, with a specific direction to the latter to use it only for the purpose of investigation and not to make its contents public, until the investigation is completed and final report filed.

(8) The other certified photocopy of the Test Identification Parade report shall be kept in a sealed cover in the safe custody of the Magistrate.

(9) After the completion of the process, the Magistrate shall make necessary entries in Judicial Form No.12.

10. Recording of Confession.— (1) The Investigating Officer, when he has reason to believe that the accused is likely to confess to his guilt, may make a report to the Chief Judicial Magistrate of the District or the Chief Metropolitan Magistrate of the City, as the case may be, and the Chief Judicial Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall, thereafter, nominate a Judicial Magistrate or a Metropolitan Magistrate, as the case may be, within his jurisdiction, other than the Magistrate having jurisdiction over the case, for the purpose of recording the confession of the accused.

(2) When the accused volunteers to make a confession, he may make a request either orally or in writing to the Magistrate having jurisdiction over the case and on such request, the said Magistrate shall record the confession.

(3) (a) Before recording a confession statement, the Magistrate shall explain to the accused that he is before a Magistrate;

that he is under no obligation at all to make any statement; that he is free to make a statement or refrain from making any statement; that it is not intended to take him as an approver and that anything said by him will be taken down and thereafter, may be used as evidence against him.

(b) A Magistrate may also put such questions as he may consider necessary to assure himself that the accused is making the statement voluntarily.

(c) The questions put forth by the Magistrate as well as the answers given by the accused shall be reduced to writing.

(4) If the accused person, after being so questioned, expresses a desire to make a statement, the Magistrate shall give him, reasonable time for reflection which shall ordinarily be not less than 24 hours.

(5) When the accused person is produced or appears before the Magistrate after the expiry of the period so granted, he shall again warn the accused that he is not bound to make any statement and that any statement made by him may be used against him during the trial of the case.

(6) If the accused still desires to make a statement and the Magistrate has reason to believe that he is doing so voluntarily, the Magistrate shall record the statement of the accused.

(7) The Magistrate shall record the statement of the accused in Court and during Court hours, save for exceptional reasons to be recorded in writing.

(8) The Magistrate shall ensure that during the questioning of the accused and the recording of his statement, there are no police officers in the vicinity.

(9) The accused person shall be questioned in the language known to him and the answer given by him shall be recorded in his own words, as far as possible.

(10) After recording the statement of the accused, the same shall be read out and explained to him in the language known to him and the fact of having read the statement to the accused and the accused having admitted its correctness shall be recorded.

(11) The Magistrate shall thereafter append a certificate as required by sub-section (4) of section 164 of the Code.

(12) After recording the confession statement of an accused, the Magistrate shall arrange to take two photocopies of the same under his direct supervision and certify the same as true copies. The confession statement in original shall be sent in a sealed cover to the jurisdictional Court through a special messenger or by Registered Post with Acknowledgment Due. One certified copy of the confession statement shall be immediately furnished to the Investigating Officer free of cost with a specific direction to use it only for the purpose of

investigation and not to make its contents public until the investigation is completed and final report filed. The other certified copy of the confession statement shall be kept in a sealed cover in safe custody of the Magistrate.

(13) After the completion of the process, the Magistrate shall make necessary entries in Judicial Form No.13.

11. Recording of statement of victim/witness under section 164 of the Code.— (1) A statement of a witness/victim can be recorded under section 164 of the Code only at the instance of the Investigating Officer of the case.

(2) It is not necessary for the Investigating Officer to approach the Chief Metropolitan Magistrate/Chief Judicial Magistrate with an application for nominating a Magistrate to record the statement of a witness/victim under section 164 of the Code.

(3) A Magistrate, whether he has got jurisdiction or not, to inquire into or try the case, can record the statement of a witness/victim under section 164 of the Code, on the request of the Investigating Officer of the case.

(4) The Presiding Officer of a Special Court which has been empowered to take cognizance of an offence without there being a need for committal, may also record the statement of a witness/victim under section 164 of the Code, on the request of the Investigating Officer.

(5) After recording the statement of a witness/victim under section 164 of the Code, the Judge/Magistrate shall arrange to take two photocopies of such statement, under his direct supervision and certify the same as true copies.

(6) He shall furnish one such certified photocopy of the statement to the Investigating Officer free of cost, immediately, with a specific direction to the latter to use it only for the purpose of investigation and not to make its contents public, until the investigation is completed and final report filed.

(7) The other certified photocopy of such statement shall be kept in a sealed cover in the safe custody of the Judge/Magistrate.

(8) If the Magistrate who had recorded the statement under section 164 of the Code is not the jurisdictional Magistrate, he shall send the original statement to the jurisdictional Court, either through a special messenger or by Registered Post with Acknowledgment Due.

(9) If the Magistrate who had recorded the statement under section 164 of the Code is himself the jurisdictional Magistrate, he shall keep the original of the statement in the case records.

(10) The Magistrate may also take the services of a Translator, if circumstances so require.

(11) In the course of recording such statement, if the Magistrate finds that the statement is self incriminating, he shall not proceed to record further. Further, statement of such deponent should be recorded by following the procedure provided in rule 10.

(12) After the completion of the process, the Magistrate shall make necessary entries in Judicial Form No.13.

CHAPTER - III

BAIL AND SURETIES

12. Bail in non-bailable cases.— (1) The power of admitting a prisoner to bail in a non-bailable offence is a matter of judicial discretion and not a ministerial act; and the main or prime consideration in the exercise of that discretion should be the likelihood of the prisoner failing to appear at the trial. Other factors requiring consideration are the seriousness of the offence, previous conviction, if any, of the accused, abnormal conditions and necessity to take special precautions in particular cases. Bail should not be refused nor prohibitive bail insisted upon, merely on the ground that the police desire it, as such a decision may lead to grave injustice. A Magistrate may, however, take into consideration the information supplied and the reports made by the police. The provisions of sections 437, 439 and 440 of the Code should be strictly adhered to for the purpose of bail.

(2) While ordering bail, the amount of the bond shall be fixed taking into account the financial capacity of the accused.

(3) The accused who are indigent and unable to furnish sureties may be released on their own bond after taking into consideration, the nature of the offence and the possibility of the accused not absconding.

(4) Application for relief under section 438 of the Code shall be accompanied by a sworn affidavit of the applicant.

13. Surety.— An advocate shall not be accepted as surety, unless the accused is his blood relative.

14. Verification of solvency of sureties.— (1) The responsibility for accepting the surety as solvent for the required amount is primarily that of the presiding officer of the Court and he should discharge it himself by making such summary enquiry as in the circumstances of the case, he may think fit.

(2) The production of a solvency certificate from the Revenue Authorities is not always essential and may be insisted upon only in cases of doubt and cases involving large sums.

(3) For the purpose of determining whether the surety is solvent or not, the Court may, if it thinks fit, accept affidavits in proof of the facts contained therein relating to the solvency of the sureties, or may make such further inquiry as it deems necessary.

(4) Insistence upon the possession of immovable property by surety for bond of small amounts not exceeding Rs.15,000/- would cause serious inconvenience to the accused in procuring a surety. The Judge or Magistrate may, therefore, in suitable cases, where the amount of bond does not exceed Rs.15,000/-, assess the solvency of the surety even upon the basis of his movable property and assets. The intending surety should present his application for suretyship in Judicial Form No.46. The Head Ministerial Officer should check the proofs accompanying the applications and thereafter, place the matter before the Judge or Magistrate with his remarks. However, in the

Court of the Metropolitan Magistrate, if the amount of bond exceeds Rs.15,000/-, the Head Ministerial Officer should check proofs and submit report to the Magistrate. The Judge or Magistrate should consider the application in the light of the proofs produced and examine the surety personally and may also call for further and better proof. The Judge or Magistrate, after holding a summary enquiry, may pass an order either accepting the surety or rejecting the application.

(5) To avoid abscondence of accused due to furnishing of bogus surety bond by a stock surety, in addition to the proof as mentioned in sub-rule (4) of the format of application of surety, the surety, in all cases in which the offence is serious and the sentence provided is of more than 7 years imprisonment or the cases under the special enactments like the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985), the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989), the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012), the Unlawful Activities (Prevention) Act, 1967 (Central Act 37 of 1967), the Prevention of Money Laundering Act, 2002 (Central Act 15 of 2003), etc. shall produce copy of at least one of the following documents:—

- (i) Passport;
- (ii) Identity Card issued by the Election Commission of India;
- (iii) Permanent Account Number Card, i.e., PAN Card issued by the Income Tax Department;
- (iv) ATM/Debit Card or Credit Card issued by any nationalised or private bank of standing at the national level, having photograph of the holder thereon may be accepted in conjunction with any other authentic document like telephone bill or electric bill as proof of residential address;

(v) Identity Card issued by the Government Authorities or the Public Statutory Corporations;

(vi) Any such document, which is ordinarily issued by an authority after due verification of the identity of the person and his address, which the Judge or the Magistrate may think just and proper, in the interests of justice, by recording specific reasons.

(6) Every surety shall submit two copies of the latest passport size photograph, which is not older than six months before the date of submission. In the event of the accused absconding, the Court shall give one photograph to the police for tracing the surety.

(7) Accused surrendering before a Court for furnishing bond on the order of the High Court/Sessions Court made under section 438 of the Code, shall affix his photograph in the surrender application and also submit his identification proof as stipulated above for the surety. He shall also furnish at least two of his identification marks in the surrender application.

(8) Orders of bail and suspension of sentence granted by superior Courts shall be communicated by the said Courts *via* email, officially, to the Court to the satisfaction of which, bond has been directed to be executed, apart from the regular process.

(9) If the accused is not able to produce sureties, the Magistrate may act under section 445 of the Code.

15. Determination of the sufficiency of bail.— When a Court of Appeal or Revision orders the release on bail of a person who has been convicted or committed for trial, the question of the sufficiency

of the bail shall, unless the Court of Appeal or Revision thinks fit itself to determine the sufficiency of the bail or security, be determined by such Court or Magistrate subordinate to it as the Court making the order may direct.

16. Bail bond.— The Court authorized to test the sufficiency of the bail or security shall, when satisfied as to the sufficiency of the security, forward to the officer in-charge of the prison in which the accused is confined, the bail bond in Judicial Form No.42.

17. Bail by a superior Court.— In cases where the sentence has been suspended and bail ordered, the Court authorised to test the sufficiency of the bail or security shall, when satisfied as to the sufficiency of the security, forward to the officer in-charge of the prison, the bail bond in Judicial Form No.42 and shall further, in cases where bail has been ordered by a superior Court, report to that Court whether or not the bail has been furnished.

18. Accepting sureties when anticipatory bail is granted by the High Court or Sessions Court.— (1) Whenever an anticipatory bail order passed by the High Court or Sessions Court is produced for the purpose of acceptance of sureties or compliance, the Magistrate concerned, shall go through the order of anticipatory bail thoroughly and act in accordance with the directions made therein.

(2) Unless the anticipatory bail directs the accused to surrender or to file a surrender petition, it is not necessary for the Magistrate concerned to entertain surrender or pass orders on the surrender petition.

(3) If for any reason, the Magistrate concerned entertains any doubt or suspicion over the sureties furnished, the Magistrate can postpone the acceptance of sureties, but the affidavit furnished by the sureties can be accepted in proof of the facts contained therein relating to the sufficiency or fitness of sureties and pass an order of interim bail and release the accused and on enquiry, if it is found by the Magistrate concerned that the sureties furnished are insufficient, then, the Magistrate may order the accused to find sufficient sureties and on his failure to do so, may reject the sureties and remand him to custody.

19. Executed bail bond and remand warrant.— The officer in-charge of the prison shall send the executed bail bond with the remand warrant to the Court concerned.

20. Determination of sufficiency of the security.— When an order to give security is made under section 106 or section 117 of the Code, the question of the sufficiency of the security shall be determined by the Court or Magistrate by whom the order was made.

Provided that when an order to give security is made under section 106 of the Code by an Appellate Court, or by the High Court when exercising powers of revision, the question of the sufficiency of the security shall, unless the said Court thinks fit itself to determine the sufficiency of the security, be determined by such other Court or Magistrate subordinate to it as it may direct.

21. Notice to the surety.— The notice to the surety under section 446 of the Code shall be issued in the form prescribed by the Code.

22. Person not been released on bail or anticipatory bail.— On the appearance of a person who has not been released on bail or anticipatory bail, the Court may obtain a bond with or without sureties under section 88 of the Code in Judicial Form No.74.

23. Person accused of aailable offence not been released on bail.— On the appearance of a person accused of aailable offence, on summons and who has not been released on bail earlier in the case, the Court shall admit him to bail with or without sureties under section 436 of the Code.

24. Person accused of a non-bailable offence not been released on bail or anticipatory bail.— On the appearance, on summons, of a person accused of a non-bailable offence, who has not been released on bail or anticipatory bail, the Court may obtain a bond in Judicial Form No.74, with or without sureties, in the event of not remanding the accused into custody.

N.B.:

(1) The Trial Courts are reminded that suspension of sentence under sub-section (3) of section 389 of the Code can be granted only if the accused is on bail at the time of judgment.

(2) Every Trial Court and Appellate Court shall require an accused to execute bail bonds with sureties, after arguments are heard, in Judicial Form No.75 under section 437-A of the Code and such bail bonds shall be in force for six months.

CHAPTER - IV

PROSECUTION

25. Filing of final report by police and complaint by other investigation agencies.— (1) Final report by police and complaint by other investigation agencies shall normally be received on all working days at fixed hours by the Court having jurisdiction to receive them. On such receipt, the same shall be entered in the "Register of Papers Received" in Administrative Form No.60 and in the First Information Report Register in Administrative Form No.18 (Criminal Register No.18). In cases, where it is shown to the satisfaction of the Judge or Magistrate that the accused in detention in the case would become entitled to be released on compulsory bail under proviso to section 167 of the Code if the final report or complaint is not filed immediately, the Judge or Magistrate, as the case may be, shall receive the final report or complaint even on a holiday or beyond the working hours of the Court.

(2) The officer-in-charge of the police station forwarding the final report of any investigation under sub-section (2) of section 173 of the Code, shall file in Court along with such report, as many copies of such report and also of the other documents mentioned in clauses (ii), (iii) and (v) of section 207 of the Code as there are accused in the case. Whenever the Court accepts the photocopies of the documents certified by the Investigating Officer filed along with the final report, they shall be compared with the originals and certified by the Head Ministerial Officer and furnished to the accused to avoid delay and the case can be committed to the Court of Sessions or disposed of by the Trial Court, as the case may be.

(3) Nothing contained in these rules, shall, however, preclude the police officer from making any request to the Court under subsection (6) of section 173 of the Code to exclude any part of any statement recorded under section 161 of the Code from the copies to be granted to the accused or the Court from excluding such part from such copies.

(4) Complaints filed by other investigating agencies and private complaints shall be accompanied by as many copies of the complaint and relied upon documents as similar to the number of accused in the case.

(5) Except cases arising under the Juvenile Justice (Care and Protection of Children) Act, 2015 (Central Act 2 of 2016), the investigating officer shall take photograph of the accused in warrant cases by resorting to section 5 of the Identification of Prisoners Act, 1920 (Central Act 33 of 1920) after identification parade, if required, is held and then, submit the photographs along with the final report. Such photographs can be taken in the prison, if the accused is in judicial custody, in the presence of the officer-in-charge of the prison, after obtaining orders from the Magistrate. Where the accused voluntarily gives his photograph, the Investigating Officer shall accept and submit the same along with the final report.

(6) Final report filed by police/complaint filed by other investigating agency shall not be returned even if they are defective. A separate memorandum should be issued to rectify the defect. If the defects are not rectified within three months, the Court shall report the matter to the Commissioner of Police/Superintendent of Police, as the case may be. In the absence of defects, the same shall be taken on file within three days from the date of receipt.

(7) While receiving the final report, the Head Ministerial Officer shall verify whether the same is accompanied by the following documents, wherever applicable:—

- (i) First Information Report;
- (ii) Complaint or Statement of complainant;
- (iii) Charge sheet with memo of evidence;
- (iv) Statement of witnesses recorded under section 161 of the Code. Where the police have not recorded the statement of a particular witness, the same shall be specifically mentioned in the Memo of Evidence;
- (v) Accident Register Copy with opinion of the doctor;
- (vi) Post-mortem Certificate;
- (vii) Viscera Report;
- (viii) Biology Report;
- (ix) Serology Report;
- (x) Chemistry Report;
- (xi) Observation Mahazar;
- (xii) Seizure Mahazar;
- (xiii) Police Form 91 (for Tamil Nadu) and Police Form 95 (for Puducherry) for seizure of properties;
- (xiv) Rough sketch;
- (xv) Photographs if the photographer has been cited as witness. Such photographs shall bear the certification under section 65-B of the Evidence Act;
- (xvi) Confession statement of the accused recorded by the police;
- (xvii) Statement of the accused under section 164 of the Code recorded by the Court, if any;
- (xviii) Proceedings of the Test Identification Parade, if any;
- (xix) Statement of witnesses under section 164 of the Code recorded by the Court, if any;
- (xx) Requisition given by the Inspector of Police for sending of properties for Chemical Analysis;
- (xxi) Office copy of the covering letter of Committal Court for sending the properties to laboratory as per the request of the police;

- (xxii) Requisition given by the Inspector of Police to conduct post-mortem on the body of the deceased;
- (xxiii) Inquest report with questionnaires;
- (xxiv) Material objects as per seizure mahazar, if any;
- (xxv) Alteration report, if any;
- (xxvi) Death intimation received from the hospital;
- (xxvii) Dying declaration of the injured/deceased, if any;
- (xxviii) Sexual offence certificate;
- (xxix) DNA Test report; and
- (xxx) Community Certificate.

P.S.

(i) Final Report should not be returned on the ground that item nos.(vii) to (x) and (xxix) above have not been filed. Such report can be brought on record subsequently either under section 293 or 294 of the Code.

(ii) If such report reaches the Magistrate after the committal proceedings, the same shall be sent immediately to the Sessions Court after furnishing a copy to the Investigating Officer, free of cost.

(8) On requisition by the investigating agency, if any expert opinion is sought by the Court, the communication from the Court to the expert, shall specify that a copy of the report be sent to investigating agency concerned. As and when the opinion of the expert is received directly by the Court, a photocopy of the same shall be furnished to the investigating agency, free of cost, if a copy of it has not been given to the investigating agency.

(9) System generated final report filed by the police manually or electronically shall be accepted by the Court.

(10) In the final report and complaint, the e-mail id and mobile number of the complainant, witnesses and accused, if available, shall be furnished.

26. Cognizance of the offence.— (1) Where a police report is filed by the investigating agency in the Court which is empowered to take cognizance of the offence that,—

- (a) no offence appears to have been committed; or
- (b) the offender is not known; or
- (c) no offence appears to have been committed by the person or by any of the persons named in the First Information Report,

the Court shall issue notice, in Judicial Form No.16, to the person on whose complaint, investigation is conducted or to any other aggrieved person deemed necessary by the Court to appear before the Court. Such notice shall be served in the manner prescribed for the service of summons in the Code.

(2) On appearance of the complainant or the aggrieved person, as the case may be, a copy of the report of the Investigating Agency shall be furnished to him free of cost and he shall be permitted to obtain certified copies of the statements and other documents submitted therewith to arrive at such an opinion.

(3) If the complainant/aggrieved person appears, the Court shall, after hearing him,—

- (i) accept the report and close the case; or
- (ii) order for further investigation; or
- (iii) take cognizance of the offence.

(4) If the complainant/aggrieved person either fails to appear or notice could not be served by available means, the Court may proceed to pass orders on the report filed by the police in Judicial Form No.15.

(5) Cases of which a Magistrate has taken cognizance shall, in the absence of a specific order of the Chief Metropolitan Magistrate/Chief Judicial Magistrate to the contrary, be heard by the same Court.

27. Appearance of Advocates.— (1) No person who is not enrolled as an Advocate under the Advocates Act, 1961 (Central Act 25 of 1961), as amended from time to time, shall be permitted to plead in any proceeding except to prevent a possible miscarriage of justice and for reasons to be recorded in writing by the Court. Such permission shall be restricted to the conduct of the particular case and shall not operate as a general licence empowering the person so permitted to plead in all cases.

(2) Any person, who is not an Advocate, permitted under sub-rule (1), to plead, shall file in Court, a duly stamped power of attorney from his Principal authorizing him to act as such.

(3) Every Advocate appearing for the prosecution in any Court other than the Advocate General, Government Advocate, Public Prosecutor, Additional Public Prosecutor, Special Public Prosecutor and Assistant Public Prosecutor, shall file a vakalathnama containing the enrollment number, address for service, e-mail id and mobile number.

(4) Every Advocate defending an accused person in custody in a criminal proceedings in any Court shall file a Memorandum of Appearance containing his enrollment number, address for service, e-mail id and mobile number and a declaration that he has been duly instructed to appear by or on behalf of the accused whom he claims to represent. Such Memorandum of Appearance shall not be in force after the release of the accused from custody or on the accused giving vakalatnama, whilst in custody, to another advocate. Every Memorandum of Appearance shall be in Judicial Form No.71.

(5) Every Advocate defending the accused person(s), who is/are not in custody, in a criminal proceeding in any Court shall file vakalathnama containing his enrollment number, and address for service.

(6) Every Vakalathnama shall be in Judicial Form No.72.

(7) The execution of Vakalathnama shall be attested by a Gazetted Officer in the service of the Central Government or of any State Government or of a Commissioned Officer in the Defence Forces of India or an Ambassador or Envoy duly accredited by or to the Central Government or an Advocate enrolled under the Advocates Act, 1961 (Central Act 25 of 1961) or a Notary Public or Commissioner of Oaths.

(8) The authority attesting the vakalathnama shall certify that it has been duly executed in his presence and subscribe his signature over his name and designation. When a vakalathnama is executed by a party who appears to the person before whom it is executed to be illiterate, blind or unacquainted with the language in which the vakalathnama is written, the person shall certify that the vakalathnama was read, translated and explained in his presence and the executant's signature or thumb impression was affixed in his presence.

(9) The execution of a vakalathnama by a person in custody may be attested by the Jailor, Station House Officer or other officer who is in-charge of the person in custody.

(10) Every vakalathnama shall contain an endorsement of the Advocate in whose favour it is executed that it has been accepted by him and he shall indicate his Bar Council Enrollment number together with his address for service. If more than one advocate is named in the vakalathnama, it shall be accepted by all such Advocates but the address for service may be of any one of them.

(11) Every Advocate appearing on behalf of an accused who has been exempted from personal appearance under section 205 of the Code shall file a special vakalathnama in Judicial Form No.73.

(12) Every Memorandum of Appearance filed by the counsel shall be accompanied with a clear photocopy of the Identity Card issued by the Bar Council. If more than one advocate is on record, it would suffice if any of them furnishes the copy of the Identity Card issued by the Bar Council.

(13) Notwithstanding the termination of the proceedings before the Court concerned, the appointment of an advocate shall be deemed to authorise him to appear or to make an application or do any act in connection with getting copies of judgments and other documents.

(14) A vakalatnama shall be invalid,—

- (a) on the demise of the party; or
- (b) on the demise of the advocate; or
- (c) on the revocation by the advocate; or
- (d) on the order of the Court on an application made by the party seeking leave to change the advocate or to appear in person.

(15) It is permissible for the advocates to generate the prescribed Vakalath Form and Memorandum of Appearance Form containing their ID card number issued by the Bar Council.

28. Complaint.— (1) The complaint shall be presented to the Magistrate by the party in person or through his authorised Power Agent.

(2) The complainant shall present, along with the complaint, as many copies of the complaint as similar to the number of accused persons complained against.

(3) Complaints made orally by persons unable to write, should be reduced into writing in the presence of, and under the direction of, the Magistrate and read over or interpreted to the party making them.

(4) When a complaint in writing is presented, the Judge or Magistrate, as the case may be, shall subscribe his initials and date thereon and the date seal of the Court shall also be affixed.

(5) Every Court shall maintain a separate Complaint Register in Judicial Form No.10 and shall record the receipt of every complaint other than the complaint filed by other investigating agency.

(6) Where the Court passes an order under sub-section (3) of section 156 of the Code for investigation by the police, the Court shall forward the original complaint with a copy of the order to the police and retain the copy of the complaint and the order in original and shall also make an entry in the Complaint Register.

(7) Matters not involving a trial or enquiry, but, involving merely the collection of amounts recoverable as fines, shall not be filed as regular cases and should be entered directly in the Register of distress warrants.

(8) Every complaint under any enactment governing the Local Body, shall contain particulars of the fee or other sum of money leviable from accused and the rule or bye-law under which such amount is assessed.

(9) As soon as orders to issue process have been passed upon a complaint, it shall be sent to the Head Ministerial Officer of the Court who will furnish the complainant with a notice, showing the amount of fees to be paid in Court fee stamps and the last date of filing or paying them.

(10) Where a process fee is paid after the date fixed for payment, but, before the complaint is dismissed under sub-section (4) of section 204 of the Code, a petition to excuse delay giving reasons for such delay shall be filed along with the notice and the Magistrate may pass such orders on the petition as he deems fit.

CHAPTER - V

SUMMONS AND WARRANT

29. Summons.— (1) Summons issued to witnesses shall ordinarily be signed by the Head Ministerial Officer. The words "//By order of the Court//" shall invariably be prefixed to the signature of the Head Ministerial Officer in such cases.

(2) Judges and Magistrates shall themselves sign summons to accused persons. Such summons shall contain the penal provisions of which the Court or Magistrate has taken cognizance.

Note: Summons under sub-rules (1) and (2) shall be in Form No.33 and Form No.1 of the Code, respectively.

(3) Where proceedings have been initiated upon a complaint, including a complaint by public servant, a copy of the complaint shall accompany the summons.

(4) Every summons shall state the date, time and place in which the case to which it relates, will be heard.

(5) In all summonses issued by Court, the prefix Thiru/Tmt/Selvi/Thirunangai/Thirunambi, as the case may be, shall be added before the name of the person summoned.

(6) Witness Summons to Public Servants, including Police, Medical Officers, Surgeons and Experts should be served directly and the fact shall be intimated to the Head of their Department. In cases

of their absence from their Station, summons shall be served through the Head of the Department.

(7) Special care shall be taken by the Court before any witness summons is issued to a medical witness and other expert and a convenient date be fixed to avoid unnecessary postponement of their examination. If more than one Medical Officer of the same hospital is cited as a witness in a case, only one may, as far as possible, be summoned at a time.

(8) No witness summons shall be issued to an expert enumerated in section 293 of the Code without an order of Court specially made in this regard. The Court shall ensure that the time fixed for the examination of such witness is adhered to and that the absence of the witness from his duties is as brief as possible.

(9) The particulars of the person examined by the Doctor, the date on which he appeared at the hospital and the number of the Wound Certificate, Accident Register or Post-mortem Certificate, as the case may be, shall be mentioned, whenever possible, in the summons to medical witnesses.

(10) The Court may issue summons to official witnesses through Heads of Departments in cases where their present address is not definitely known. The Court may, in such cases, issue a duplicate copy of the summons also direct to the witness either through post or through electronic communication or through the police in the address shown in the final report or complaint.

(11) Where the Police is not able to serve summons, it shall be returned to the Court on the date mentioned in the summons together with an affidavit sworn by the police concerned detailing the steps taken by him for effecting service on the witness or accused, as the case may be.

(12) In cases instituted otherwise than on police report by public servant, Courts may issue summons in duplicate to the accused persons and witnesses for service through the public servant concerned. Where the public servant is unable to serve the summons despite due diligence, he shall return the same to the Court on the date mentioned in the summons together with an affidavit detailing the steps taken for effecting service of the summons.

(13) In cases instituted on private complaints by persons other than public servants, sufficient number of copies of complaint for service on each accused together with duly stamped envelopes and acknowledgement cards/proof of delivery bearing the address of the accused persons as shown in the complaint for the purpose of despatching the same by Speed Post with proof of delivery or Registered Post with Acknowledgment Due, shall be filed with the process memorandum. The Head Ministerial Officer of the Court shall affix the address of the Court on the envelope and acknowledgment card, and despatch the summons and a copy of the complaint to the addressee through the tapal section of the Court.

(14) The procedure set out in sub-rule (12) shall be applicable to proceedings under Chapter IX of the Code, other miscellaneous cases and miscellaneous petitions as the Court may direct.

(15) When the serving officer delivers or tenders the summons to the person summoned or to his agent or other person on his behalf, he shall require the signature of the person to whom the summons is delivered or tendered and obtain an acknowledgment of service endorsed on the duplicate with time and date. Where the summons is served on the agent or other person, his name and address shall be written on the duplicate. In the case of illiterate persons, their thumb impression shall be taken and attested by a witness. In cases where the summons is despatched by Registered Post with Acknowledgment Due/Speed Post with proof of delivery, the service of the envelope on the addressee or any other person on his behalf may, in the opinion of the Court, be declared to be duly served.

(16) Summons intended to be served upon personnel belonging to Armed Forces, Para Military Forces or any person residing outside the State of Tamil Nadu or Union Territory of Puducherry, as the case may be, shall be either in English or be accompanied by a translation thereof in English. Such summons should also state that the return of service or report of non-service, if not in English language, shall be accompanied by English Translation certified by the Court to which it has been transmitted for service. Such summons may be served through the respective battalion head.

(17) All summonses intended to be served on Members of Parliament or of State Legislature shall be sent through police or the

public servant who has laid the complaint or by Registered Post with Acknowledgment Due. Under no circumstances, they should be sent to the Presiding Officer of the House for service on Members.

(18) Summons for the appearance as witness of the Presiding Officer of a House of Parliament or of a State Legislature or the Chairman of a Committee thereto or of any other person who is, in the opinion of the Court, entitled to such mark of consideration, shall be in Judicial Form No.2.

(19) Order requiring parties to put in written statements of their claims under sub-section (1) of section 145 of the Code shall be in Judicial Form No.8.

(20) In addition to other modes of service, including other recognised electronic modes, the Court may issue summons to the e-mail address of the accused and witness, if available.

30. Summons for production of document.— (1) Every application for summons for production of a document shall be made by a verified petition setting out.—

(i) the document, the production of which is believed to be available;

(ii) the Authority or Person in whose custody the document is available; and

(iii) the relevancy of the document.

(2) Unless the Court requires the production of the original, every such summons to a public officer other than a Court, shall state that he may produce, instead of the original, a copy certified in the

manner prescribed by section 76 of the Evidence Act, 1872 (Central Act 1 of 1872).

(3) No Court shall issue summons for production of the original, unless it considers its production of original is necessary. The Court shall, in such case, record its reasons in writing.

(4) Nothing in the above rules shall prevent a Court of its own motion from issuing a summons for the production of public records or other documents in the custody of a public officer if it thinks it necessary to meet the ends of justice to do so after recording the reasons.

(5) On production of the document in original in obedience to the summons, the Court, unless it thinks it necessary to retain the original, shall direct a photocopy to be made by the Copyist Department of the Court and after certifying the photocopy to be a true copy of the original, return the original to the person who has produced, under due acknowledgment in Judicial Form No.57.

Explanation. – Where documents or things, which are required to be produced, are in the custody of Parliament or State Legislature, the summons shall specify that the production of the documents or things before the Court through any authorized officer shall be deemed to be sufficient compliance.

(6) An application for the production of a document or record from the custody of a Court shall specify the particulars of the document or record and the Court in whose custody it is. Unless the

Court is satisfied that the production of the original is necessary, the party shall be required to obtain and file certified copies thereof and original shall not be sent for.

(7) When a Court finds it necessary to require the production of the records of another Court, it shall address a letter of request to the Presiding Officer of that Court.

(8) Summons for production of documents or things shall be in Form No.33 of the Code.

31. Warrant.— (1) The warrant shall bear the signature of the Presiding Officer of the Court and the seal of the Court. Use of facsimile stamps for signing warrant is prohibited. Warrant of arrest shall be in Form No.2 of the Code.

(2) No warrant of arrest shall be issued unless the Court, for reasons to be recorded in writing, deems it absolutely necessary.

(3) In cases instituted otherwise than on police report by a public servant, the Court may direct the warrant of arrest to such public servant for execution, who may take the aid of police.

(4) Every Court shall maintain a Process Register in Administrative Form No.13 (Criminal Register No.13) and the Court and Police shall follow the instructions appended to the Form. Every Court shall also maintain a Register of non-bailable warrants issued to

police stations in Administrative Form No. 14 (Criminal Register No.14).

(5) A Police Officer or public servant shall obtain the warrant of arrest from the Court after affixing his signature with his name, designation, office address and date in the Process Register referred to in sub-rule (4).

(6) Where a warrant of arrest is transmitted to another Court or sent to the Police by post for execution, the Head Ministerial Officer shall record the particulars of the arrest warrant in the register referred to in sub-rule (4).

(7) An Officer to whom a warrant of arrest is directed, shall send a report to the Court every thirty days beginning from the date of receipt of the warrant until it is executed, detailing the steps taken for executing the same. Every warrant of arrest shall bear the following Post Script. "A report detailing the steps taken to execute the warrant should be sent every thirty days until executed." If the warrant is not executed within a period of ninety days from the date of its issue, the Court may direct a superior officer to execute the said warrant.

(8) When a Member of the Lok Sabha/Rajya Sabha/Legislative Assembly is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a Court or is detained under an executive order, the committing Judge/Magistrate or Executive authority, as the case may be, shall immediately intimate such fact to the Speaker / Chairman / Speaker indicating the reasons for the

arrest, detention or conviction and the place of detention or imprisonment of the member in Judicial Form No.79 in respect of arrest and in Judicial Form No.80 in respect of conviction.

(9) When a Member of the Lok Sabha/Rajya Sabha/Legislative Assembly is arrested and after conviction, released on bail pending an appeal or otherwise released, such fact also shall be intimated to the Speaker/Chairman/Speaker by the authority concerned in Judicial Form No.81.

CHAPTER - VI**ABSCONDING ACCUSED**

32. Cases of Absconding accused.— (1) Where the Court has issued process for the appearance of an accused and the same could not be served and if the Court is satisfied from the affidavit referred to in sub-rule (11) of rule 29 and/or report under sub-rule (7) of rule 31 that the accused is in abscondence, the Court may, after having waited for a reasonable time, proceed under section 82 of the Code, notwithstanding the power of the Court to record evidence under section 299 of the Code. Before recording evidence under section 299 of the Code, the Court shall record a finding that it has been proved that the accused person has absconded and there is no immediate prospect of arresting him.

(2) If a case referred to under sub-rule (1) involves a single accused against whom proceedings have been initiated under section 82 of the Code, the Court shall shift the case from the relevant Register to the Register of Long Pending Cases in Administrative Form No.30 (Criminal Register No.30).

(3) When there are two or more accused in a case and only some of them have appeared or have been produced before the Court and if the Court is satisfied that the presence of other accused cannot be secured within a reasonable time, having due regard to the right of such of the accused in attendance to have the case against them enquired into or tried without delay, the Court may split up the case if it is satisfied that such splitting up will cause no prejudice either to the prosecution or to the accused in attendance and proceed with the enquiry or trial as regards the accused who are in attendance.

(4) While splitting up the case as referred to in sub-rule (3), the Court shall assign a fresh number to the split up case relating to the absconding accused and enter the same in the relevant register of the current year. The Court shall also indicate the number of the parent case in brackets wherever the fresh case number is mentioned.

(5) The Court shall record the evidence of the witnesses in the split up case under section 299 of the Code simultaneously while recording the evidence in the parent case. It is not necessary for the Court to complete the proclamation proceedings under section 82 of the Code for recording evidence under section 299 of the Code against the absconding accused.

(6) While recording the evidence of witnesses under section 299 of the Code, the Court may take as many copies as it deems necessary for the purpose of furnishing to the absconding accused as and when they appear or are produced before the Court.

(7) The copies of the records of the original case including depositions of the witnesses and exhibits duly attested by the presiding officer of the Court shall be filed in the split up case.

(8) When a Sessions Case is split up by the trial Court, the same shall be immediately reported to the Court of Session and the Court of Session shall assign a number to the split up case, enter the same in the Sessions Register and communicate the number to the trial Court forthwith.

(9) Sub-rules (1) to (8) shall apply, as far as may be, to cases where an accused person has appeared, but, has subsequently absconded.

CHAPTER - VII

PRELIMINARY ENQUIRIES (COMMITTAL PROCEEDINGS)

33. Committal proceedings.— (1) When it appears to the Magistrate that the offence is exclusively triable by the Court of Session, he shall cause the copies of the statements and other documents be furnished to the accused as provided in section 207 or section 208 of the Code. After the Magistrate is personally satisfied that all the copies of statements and other documents as specified in the said sections are supplied, the Magistrate shall commit the case to the Court of Session under section 209 of the Code. While committing the case for trial before a Court of Session, the Magistrate shall place with the record, a statement of the case in Administrative Form No.33 (Criminal Register No.33).

(2) No preliminary inquiry is required to be held and no charge is to be framed by the Magistrate while committing the accused to the Court of Session under section 209 of the Code.

(3) It is not necessary to give reasons for committing the case to the Court of Session, however, the formal order should be passed by the Magistrate committing the case to the Court of Session under section 209 of the Code.

(4) Where it appears to the Magistrate that there is a case and counter case, of which, one is triable by the Court of Session and the other is triable by the Magistrate, he shall commit the latter case also to the Court of Session under section 323 of the Code and shall record reasons for such commitment.

(5) The record of the case and documents should be properly arranged and submitted to the Court of Session.

(6) When any case is committed for trial before the Court of Session, a descriptive list of any weapons, or other articles or property connected with the case, shall form part of the record. If a property has been entrusted to the custody of any person under section 451 of the Code for safe custody, the same shall also be mentioned in the list.

(7) (a) Where it is not practicable to send the properties with the records as laid down under clause (c) of section 209 of the Code, the committal Magistrate may retain the properties. The Court of Session to which the case has been committed, shall call for the properties as soon as taking cognizance under section 193 of the Code and receive the same, if he decides to try the case. Where the case is made over by the Principal Sessions Judge, the trial Court shall call for the properties from the committal Court and receive the same immediately.

(b) The valuable properties received by any Court at the first instance, shall be photographed, verified with the assistance of an independent appraiser, certified by the presiding officer and shall form

part of the records. Necessary entries shall be made in the Registers mentioned in rule 58. The expenses for the same may be borne from the contingent fund of the Court.

(c) The valuable properties received by any Court from another Court may also be verified with the aid of an independent appraiser at the discretion of the receiving officer.

(d) The weight of the valuables should be noted against each of the items in the property register in red ink and the valuables should be sent to the nearest treasury for safe custody:

Provided that where in the opinion of the presiding officer, in any particular case, it would be more convenient to have the valuables in the iron safe of the Sessions Court, the Presiding Officer may keep them in his custody in the Court.

(8) In order to avoid harassment to the accused, it should be the endeavour of every Magistrate to dispose of committal proceedings as expeditiously as possible and in any event, within a period not exceeding two months from the date of submission of the charge sheet. Magistrates should report to the Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be, the reasons for not disposing of the committal proceedings within the period of two months. The Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as the case may be, should then satisfy himself as to whether the reasons stated are satisfactory and whether the Magistrate should be allowed extension of time. He should then issue such instructions to the Magistrate as he deems proper.

(9) (a) When a Magistrate commits the accused to the Court of Session, he should question the accused as to whether he desires to make his own arrangement for his defence in the Sessions Court or whether arrangement should be made by the Sessions Court to engage an advocate on his behalf. In the latter case, the Magistrate should, while committing the case for trial, intimate the Sessions Court accordingly.

(b) If the accused is not to be represented by an advocate, the Magistrate should inquire from the authorities or from other source as to whether the accused has sufficient means to engage an advocate. The Magistrate should report the result of his inquiry to the Court of Session, as early as possible after the commitment to enable the Court of Session to assign a defence advocate at the expense of State under section 304 of the Code.

(10) When two or more persons are accused of the same offence or of the offences arising out of the same transaction, the Magistrate should not convict some and commit others to the Court of Session. If any one of the accused is charged with an offence beyond the jurisdiction of the Magistrate or with one which, in the opinion of the Magistrate, ought to be tried by the Court of Session, all the accused persons implicated, against whom there is *prima facie* evidence, should be committed for trial.

(11) In sending up the list of witnesses in cases committed to Courts of Session, the Magistrate shall note how each witness has been classified by him under the rules for the payment of the expenses of witnesses.

CHAPTER - VIII

AFFIDAVITS

34. Affidavits.— (1) Every affidavit shall be drawn up in the first person and be divided into paragraphs and shall be numbered consecutively; each paragraph, as nearly as may be, shall be confined to a distinct portion of the subject matter.

(2) Every affidavit shall state the full name, age, description and place of abode of the deponent and shall be signed or marked by him. The description shall include the father's or husband's or mother's names and such other particulars, as may be necessary, to identify the person.

(3) When an affidavit covers more than one sheet of paper, the writing shall be on both sides of the sheet and the deponent shall sign his name or affix his mark at the foot of each page of the affidavit.

(4) Alterations, erasures and interlineation shall, before an affidavit is sworn or affirmed, be authenticated by the person before whom the affidavit is signed or marked. No affidavit having therein any alteration, erasure or interlineation not so authenticated shall, except with the leave of the Court, be filled or made use of in any manner.

(5) The person before whom the affidavit is sworn or affirmed shall state the date on which and the place where the same is made and sign under his name and designation at the end; otherwise, the same shall not be filed or read in any manner without the leave of the Court.

(6) Where an affidavit is sworn or affirmed by any person who appears to the person authenticating the affidavit to be illiterate, visually impaired or unacquainted with the language in which the affidavit is written, the person authenticating shall certify that the

affidavit was read, explained and translated by him or in his presence to the deponent, that the deponent seemed to understand it and made his signature or mark in the presence of the person authenticating it; otherwise the affidavit shall not be valid.

(7) *Identification of deponent.*— (i) If the deponent of an affidavit is not known to the person authenticating the same, the identity of the deponent shall be caused to be testified by any person known to him who shall attest the signature or mark of the deponent in token thereof.

(ii) Where the deponent is a pardanashin lady, she shall be identified by a person who knows her and that person shall verify the identification by a separate affidavit.

(8) Documents mentioned in and accompanying an affidavit shall be marked in the same manner as exhibits admitted by the Court.

(9) Every affidavit stating any matter of opinion shall show the qualification of the deponent to express such opinion, by reference to the length of experience, acquaintance with the person or matter as to which the opinion is expressed or other means of knowledge of the deponent.

(10) Every affidavit shall clearly express how much is a statement of the deponent's knowledge and how much is a statement of his belief. The grounds of belief must be stated with sufficient particularity to enable the Court to judge whether it would be safe to act upon the deponent's belief.

(11) The Court may, at any time, direct the deponent to attend to be cross-examined on his affidavit if required so by the adverse party.

CHAPTER - IX

EXAMINATION OF WITNESS ON OATH AND AFFIRMATIONS

35. Swearing in of witnesses.— Subject to the provisions of the Oaths Act, 1969 (Central Act 44 of 1969), every witness and every interpreter shall take an oath or make an affirmation before he is examined or called upon to interpret.

36. Officer administering oath.— The oath to witnesses and interpreters shall be administered in open Court by the Presiding Officer or by such other person empowered by him in this behalf or where the witness is examined on commissions by the Commissioner.

37. Form of Oath.— (1) The following shall be the form of oath to be taken by the witness:

"I do swear in the name of God that what I shall state shall be the truth, the whole truth and nothing but truth".

(2) Witness who objects to make an oath may solemnly affirm in the following form:

"I do solemnly affirm to my conscience that what I shall state shall be the truth, the whole truth and nothing but truth".

38. Form of oath by interpreter.— When a witness is examined with the aid of an interpreter, the interpreter shall also be administered an oath or affirmation in the following form:—

"I do swear in the name of God / I solemnly affirm to my conscience that I will well and truly interpret and explain all questions put to and evidence given by witnesses".

39. Translation of oath by interpreter.—When the witness is unable to understand the language in which the oath or affirmation is administered, the oath or affirmation shall be translated by the interpreter and put to the witness and the witness allowed to take the oath or affirmation in the language known to him.

40. Police officers not to be employed as interpreters.— Police Officers shall not be employed to interpret the evidence of witnesses in cases prosecuted by the police.

41. Competence of a witness.— The Court may test the competence of a witness under section 118 of the Evidence Act (Central Act 1 of 1872) by holding a summary inquiry.

42. Deposition of a witness.— (1) In the heading of the deposition of witnesses, the full name, including the family name of the deponent, if any, and his or her father's or mother's or husband's name shall be recorded. The heading shall also state the age, profession and residence of the witnesses. The name of the interpreter, if any, shall be written below the particulars stated above. [*vide* Judicial Form No.53].

(2) While recording the evidence of witnesses,—

(a) Usage of abbreviations should be avoided, e.g., A.N. for afternoon and instead, the full form should be used;

(b) The name of the particular accused should be specifically mentioned adding within brackets, the rank of the accused, eg., name (A1), name (A2), *etc.*;

(c) In Sessions Cases, the medical evidence shall contain with precision the nature and effect of the injuries, the time of death, *etc.*

43. Certificate.— (1) After a deposition has been read over to the witness, the deponent shall either sign in full or affix his thumb impression on every page. The Presiding Officer shall initial every page of the deposition. A certificate in the following form shall be appended at the foot of the deposition and the Presiding Officer shall affix his signature.

"Taken down by me/before me in open Court, interpreted/read over to the witness and admitted by the deponent to be correct".

(2) When a witness is recalled, the Court shall furnish him, his deposition recorded earlier for him to refresh his memory, before his examination-in-chief/cross.

44. Examination of witness.— The Court may, having regard to the circumstances of any particular case, order the examination of any witness *in camera*.

45. Evidence as to the age of the accused.— In every case in which the precise age of an accused person is relevant, evidence shall be taken on the question and whenever necessary, the opinion of an expert shall be obtained.

46. Allowing witness to sit or stand.— (1) The presiding officer may require a witness to sit or stand while recording his testimony.

(2) The presiding officer may, as far as practicable, provide a seat for the accused in the Court during the inquiry or trial, as the case may be.

47. Certain departmental officers to be allowed to sit in Court.— A police officer of, and above the rank of, Deputy Superintendent of Police/Assistant Commissioner of Police, an officer of the gazetted rank of other departments and an expert may sit beside the prosecuting officer in the Court hall. Others may sit in the place earmarked for visitors.

48. Remuneration to the Interpreter.— The presiding officer of the Court may sanction reasonable remuneration and expenditure to the interpreter to be paid by way of cash as prescribed by the High Court, from time to time.

49. Marking of exhibits.— (1) Exhibits admitted in evidence shall be marked as follows in Judicial Form No.68.—

(i) If filed by the prosecution, the marking shall be as Ex-P followed by numerical. Illustration, Ex-P.1, Ex-P.2, Ex-P.3, etc.

(ii) If filed by the defence, the marking shall be as Ex-D followed by numerical. Illustration, Ex-D.1, Ex-D.2, Ex-D.3, etc.

(iii) If Court exhibits, the marking shall be as Ex-C followed by numerical. Illustration, Ex-C.1, Ex-C.2, Ex-C.3, *etc.*

(iv) If filed by any other person, the marking shall be as Ex-X followed by numerical. Illustration, Ex-X.1, Ex-X.2, Ex-X.3, *etc.*

(v) When documents are marked as exhibits, utmost care should be taken to see that while making any endorsement or exhibit marks or affixing the Court seal on documents, material portions of such documents are not defaced or obliterated or smudged.

(2) All exhibits marked by several accused shall be marked consecutively.

(3) All material objects admitted in evidence shall be marked as follows:—

(i) If submitted by the prosecution, the marking shall be as PMO followed by numerical. Illustration PMO-1, PMO-2, *etc.*

(ii) If submitted by the defence, the marking shall be as DMO followed by numerical. Illustration DMO-1, DMO-2, *etc.*

(iii) If Court material objects, the marking shall be as CMO followed by numerical. Illustration CMO-1, CMO-2, *etc.*

(iv) If submitted by any other person, the marking shall be as XMO followed by numerical. Illustration XMO-1, XMO-2, *etc.*

50. Procedure for examination of child victim.— (1) A screen or some such arrangements may be made where the victim or witnesses (who may be equally vulnerable like the victim) do not directly see the accused.

(2) The questions put in examination on behalf of the accused insofar as they relate directly to the incident, should be given in

writing to the Presiding Officer of the Court, who may put them to the victim or witnesses in a language which is clear and is not embarrassing.

(3) The victim of child abuse or rape, while giving testimony in Court, should be allowed sufficient breaks as and when required.

51. Recording of evidence through video conferencing.–

The Court may record the evidence of a witness through video conferencing after recording the reasons. The Court may, in its judicial discretion, adopt a fair and just procedure so as to ensure that the witness whose evidence is recorded through video conferencing is not tutored to give answers after ensuring that the witness is not in the company of anybody at that time. Such evidence shall be recorded in the presence of the accused or his advocate. The evidence of witness shall be typed contemporaneously and shall be read over to the witness at the end of deposition. Thereafter, the Judge shall certify as follows:–

"Taken down by me / before me, interpreted/read over to the witness and admitted by him to be correct."

It is also permissible for the Court to adopt the above procedure where a witness in a case is a prisoner in another case.

CHAPTER - X

GENERAL INSTRUCTIONS TO ALL CRIMINAL COURTS

52. Submission of reports, records, etc., to Chief Metropolitan Magistrate/Chief Judicial Magistrate by Magistrates.— Every Magistrate shall submit such forms, records, reports and returns as may be called for by the Chief Metropolitan Magistrate/Chief Judicial Magistrate.

53. Copying fees.— (1) (i) Copies of records will be granted to persons authorized to receive them upon payment of copying and examining charges, which will be levied at the rate fixed by the Tamil Nadu Court Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955) or the Puducherry Court Fees and Suits Valuation Act, 1972 (Puducherry Act 6 of 1973) or any other law, as the case may be, in the form of stamp papers, except in cases where under law, such copies should be furnished free of cost. The payment of copying charges shall not affect the payment of fees under the said Tamil Nadu Act XIV of 1955 or the said Puducherry Act 6 of 1973 or the exemptions from such payments, when the copies are exhibited in Courts. No party or advocate will be allowed to make copies of record either personally or by agent, by any means.

(ii) Applications for copies of records must bear a Court fee stamp, as prescribed by the said Tamil Nadu Act XIV of 1955 or the said Puducherry Act 6 of 1973 or any other law for the time being in force, as the case may be.

(2) Everyday a list showing (i) the number of additional stamp papers required in each application in which records have been received and (ii) the applications found to be defective in any respect, shall be prepared and affixed on the notice board of the Court. Such list shall remain on the notice board for seven days. If on or before the working day next after the expiry of seven days, the additional stamp papers required are not furnished or the defects in the application are not remedied, the application shall be struck off.

54. Rules relating to fines apply to other sums like fees, taxes, etc..— The rules relating to fines shall also apply to all other money such as fees, taxes, etc., that are imposed or assessed by a Magistrate and are recoverable as fines.

55. Imposition of fine to be entered forthwith in the register of fines.— The imposition of a fine shall, irrespective of its collection on the same day, be brought into account and entered in the Register of fines in Administrative Form No.25 immediately. In the case of fines imposed by the evening Courts, all fines collected in the evening shall be entered in a separate fine register. Administrative Form No.25 (Criminal Register No.25) shall be used by all the Courts, including Metropolitan Magistrate Courts.

56. Licence fee and tax recovered under the Local Bodies Act – Mode of accounting.— Licence fee and tax received under the Local Bodies enactments may be deposited either into the "Criminal Court Deposits" or into the Head of Account—"Local Bodies". Where the said amount is deposited into the "Criminal Court Deposits", the

same shall be credited into the account of the Local Body concerned by the 5th day of the succeeding month.

57. Material objects to be labelled.— Each material object should have, attached or affixed to it, a label to show the number of the case to which it relates and the party from whom it has been received. The label should also bear the number of the item in the property register. The label should be printed in the following form:-

Property Register No.	:
Case No.	:
Name of the person	:
From whom received with address	:

The property so labelled shall be kept in the property room of the Court. The Presiding Officer of the Court shall have custody of the keys of the property room.

58. Register of material objects.— (1) A register of properties deposited in Court shall be maintained by the Head Ministerial Officer in all Courts in Administrative Form No.19 (Criminal Register No.19). In addition to this, the Metropolitan Magistrate Courts shall maintain such register in Judicial Form No.70. Each material object should be fully described in these registers.

(2) A fresh Register of Properties in Administrative Form No.19 (Criminal Register No.19) shall be opened every year and the pending item numbers of the outstanding case properties shall be noted in red ink in the first page of the new Property Register and their disposal to be watched. Valuable items including properties such as vessels, etc., shall be brought forward every year in the new

Property Register. The Presiding Officer concerned shall furnish a certificate in the first page of the Property Register of the new year to the above effect.

(3) The currency notes and coins, if any, seized during the course of investigation by the police/investigating agencies, in prohibition cases, *etc.*, have to be produced before the Court under Police Form as case properties.

(4) Such properties shall be checked and received by the Court and entered in the Register of Material Objects in Administrative Form No.19 (C.R. No.19).

(5) Such properties shall not be remitted into Treasury under the head "Criminal Court Deposit" or returned to the police/investigating agency concerned for safe custody and directing them to produce the same to the Court at the time of trial.

(6) Such properties shall be kept in a sealed box in the Treasury and during the trial be brought to the Court for marking them as material objects on proper identification.

(7) After termination of the trial and orders passed, such properties shall be returned to the person entitled to receive the same or be remitted into the Treasury.

(8) All the Judicial Officers shall ensure that the details of case properties are duly entered in the Property Register then and there and the Property Register is maintained properly.

59. Checking of valuable properties.— The Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be, shall nominate a Magistrate, once in six months, to inspect the valuable properties in different Magistrate Courts, within his jurisdiction in the presence of the Magistrate concerned and the Magistrate so nominated shall inspect the valuable properties of that Court with reference to the property register and submit a verification report to the Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be.

60. Material Objects to be retained until appeal time is over.— Material objects should not, in the absence of special urgency and without the orders of a Magistrate, be returned to the parties, destroyed or otherwise disposed of until the time for appeal or revision has expired or where an appeal or revision is pending, until it is disposed of.

61. Production of case properties and payment of transport charges in certain cases.— Where any property including livestock is entrusted to a party for being produced before the Court at the time of the hearing and is accordingly produced, the Court may order the payment of reasonable charges incurred for their production.

62. Register of Calendar and Preliminary Register cases.— Register in Administrative Form No.4 (Criminal Register No.4) shall be maintained in each of the Courts at George Town, Saidapet and Egmore and separate numbering shall be assigned to each class of cases e.g., municipal cases, cases relating to Motor

Vehicles, Society for Prevention of Cruelty to Animals cases, *etc.*, and in mofussil, separate register in Administrative Form No.4 (Criminal Register No.4) shall be maintained in each Magistrate Court. Special Courts which have jurisdiction to take cognizance of an offence without committal proceedings shall also maintain a register in Administrative Form No.4 (Criminal Register No.4). After taking cognizance of the offence, the Court shall make necessary entry in the said register. In respect of maintenance petitions, the Family Courts and Magistrates shall maintain a register in Administrative Form No.5 (Criminal Register No.5) and the case shall be numbered as "Maintenance Case". In respect of inquiry under section 340 of the Code, the same shall be entered in Administrative Form No.5 (Criminal Register No.5) and the case shall be numbered as "Miscellaneous Judicial Case". Complaints filed after the enquiry under section 340 of the Code shall be numbered as Calendar Case in Administrative Form No.4 (Criminal Register No.4).

63. Register of Court fees, process fees, memorandums and petitions.— A register of Court fees, process fees, memorandums and petitions received shall be maintained in Administrative Form No.12 (Criminal Register No.12). Memorandum and petitions maintainable in law and presented in the open Court shall be received by the Court and after affixing the Court seal, be entered in the said register.

64. Register of payment of batta to witnesses in State cases.— A register of payment of batta to witnesses in cases to which the State is a party shall be maintained in Administrative Form No.28 (Criminal Register No.28) by the Metropolitan Magistrates also and

the daily payment carried over to the "Daily Cash Balance Register" by the Metropolitan Magistrates shall be entered in Administrative Form No.56.

65. Diary Register.— All Courts shall maintain a daily diary register in the form prescribed by the e-Committee of the Supreme Court of India, pursuant to the e-Court's Case Information System.

66. Hearing Book.— All Courts including the Courts of Metropolitan Magistrates, shall maintain Hearing Book in Administrative Form No.15 (Criminal Register No.15).

67. Register of Inquiries and Trials and Register of Punishments.— All Courts including the Courts of Metropolitan Magistrates, shall maintain a Register of Inquiries and Trials and Register of Punishments in Administrative Form Nos. 7 and 8 respectively. (Criminal Register Nos.7 and 8, respectively).

68. Register of long pending cases.— All Courts including Courts of Metropolitan Magistrates, shall maintain a Register of long pending cases (adjourned *sine die* in e-Court's Case Information System parlance) in Administrative Form No.30 (Criminal Register No.30).

69. Prisoners not to be released immediately on acquittal.— A prisoner shall not be discharged from custody immediately on judgment of acquittal being pronounced upon him by the Court and he shall be taken back to the prison and released by

the Superintendent of Prison after being satisfied that he is not required in any other case. The Court shall retain the remand warrant and make necessary endorsement in the nominal roll book about the acquittal of the prisoner and the Superintendent of Prison shall hand over the cash and other properties of the prisoner at the time of his release so as to avoid their accumulation.

70. Levy of fine to be notified to prison authorities by Court in cases of sentence of imprisonment and fine.— When a Court imposes a fine in addition to imprisonment and the whole or part of the fine is paid or recovered, the Court shall endorse the fact of such payment or recovery on the warrant of commitment in Judicial Form No.45, or, if that has already been issued, shall notify the fact of the payment or recovery to the prison authorities concerned in Judicial Form No.56.

CHAPTER - XI

EXECUTION OF SENTENCES & DISPOSAL OF PROPERTIES

WARRANT OF COMMITMENT

71. Separate warrant for each prisoner.— When two or more persons are convicted and sentenced to imprisonment at the same time, a separate warrant of commitment in Judicial Form No.21 shall be issued for each one of them with the seal of the Court.

72. Convicts to be classified as "Habitual" or "Casual" and their diet specified.— (1) Whenever possible a Court which convicts an accused person should decide whether he is to be classified as an "habitual" or "casual" convict and make a note of the decision on the warrant of commitment for the information of the prison authorities. The presiding officer shall also recommend in his own handwriting in the committal warrant, the diet, *viz.*, rice or wheat, as the case may be. The following persons are liable to be classified as "habitual offenders", *viz.*, -

(i) any person convicted of an offence punishable under Chapters XII, XVII and XVIII of the Indian Penal Code, 1860 (Central Act XLV of 1860) whose previous conviction or convictions, taken in conjunction with the facts of the present case, show that he is by habit a robber, house-breaker, dacoit, thief, or receiver of stolen property, or that he habitually commits extortion, cheating, counterfeiting coin, currency notes or stamps, or forgery;

(ii) any person convicted of an offence punishable under Chapter XVI of the Indian Penal Code, 1860 (Central Act XLV of 1860) whose previous conviction or convictions, taken in conjunction with the facts of the present case, show that he habitually commits offences against the person;

(iii) any person committed to, or detained in, prison under section 122 (read with section 109 or section 110) of the Code;

(iv) any person convicted of any of the offences specified in sub- rule (1), when it appears from the facts of the case, even though no previous conviction has been proved, that he is, by habit, a member of a gang of dacoits, or of thieves, or a dealer in slaves or in stolen property; and

(v) any person convicted by a Court or Tribunal acting outside India under the general or special authority of the Central Government of an offence which would have rendered him liable to be classified as a habitual offender if he had been convicted in a Court established in India.

(2) The classification of a convicted person as a habitual offender should ordinarily be made by the convicting Court, but if the convicting Court omits to do so, such classification may be made by the Chief Metropolitan Magistrate / Chief Judicial Magistrate, or in the absence of an order by the convicting Court or Chief Metropolitan Magistrate / Chief Judicial Magistrate, and pending the result of a reference to the Chief Metropolitan Magistrate / Chief Judicial Magistrate, by the officer in-charge of the prison, where such convicted person is confined:

Provided that any person classified as a habitual offender may apply for the revision of the order.

(3) The convicting Court or the Chief Metropolitan Magistrate / Chief Judicial Magistrate may, for reasons to be recorded in writing, direct that any convicted person or any person committed to, or detained in, prison under section 122 read with section 109 or section 110 of the Code, shall not be classified as a habitual offender and may revise such direction.

(4) Convicting Courts or Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be, may revise their own classifications and the Chief Metropolitan Magistrate / Chief Judicial Magistrate may alter any classification of a prisoner made by a convicting Court or any other authority, provided that the alteration is made on the basis of facts which were not before such Court or authority.

(5) Every habitual offender shall, as far as possible, be confined in a special prison in which no prisoner other than habitual offenders shall be kept:

Provided that the Inspector General of Prisons may transfer to this special prison, any prisoner, not being a habitual offender, whom, for reasons to be recorded in writing he believes to be of so vicious or depraved a character and to exercise or to be likely to exercise so evil an influence on his fellow prisoners that he ought not to be confined with other non-habitual prisoners, but a prisoner so transferred shall not otherwise be subject to the special rules affecting habitual offenders.

Explanation:- For the purpose of this rule, the word "conviction" shall include an order made under section 117 read with section 110 of the Code.

73. Levy of fine to be endorsed on the warrant or notified to the prison authorities.— When an accused person is sentenced to imprisonment as well as, or in default of payment of a fine, the

warrant in Judicial Form No.21 issued to the prison authorities shall contain definite information as to whether the fine has been paid, or not, in whole or in part. If the warrant does not furnish this information, a reference shall forthwith be made by the prison authorities to the convicting Court to ascertain whether the fine has been paid and the purport of the reply shall be noted on the warrant.

74. Subsequent levy of fine to be notified to the prison authorities.— When the fine is paid or recovered in whole or in part after the admission of the prisoner into prison, the responsibility for intimating to the prison authorities the fact of the payment rests entirely with the Court. Such intimation shall be made in Judicial Form No.56 and the same shall invariably be acknowledged by the prison authorities and the acknowledgment shall be filed by the Court for future reference. On receipt of the intimation from the Court, the prison authorities shall endorse the information on the warrant. Intimation sent by post by the Court under this rule shall be registered with Acknowledgment Due.

75. Intimation from Court to bear its seal.— Intimations sent by a Court to the Superintendent of a Prison that a fine which the prisoner has been ordered to pay has been paid or recovered in whole or in part shall bear the seal of the Court.

76. Sentences of imprisonment how calculated.— (1) In calculating sentences of imprisonment, the day on which the sentence is passed and the day of release ought to be included and considered as days of imprisonment; for example, a man sentenced on the 1st January to one month's imprisonment should be released on the 31st January and not on the 1st February.

(2) The Court shall also give the details of the remand period and the period of set off under section 428 of the Code in the judgment and in the committal warrant.

(3) When two or more sentences are passed in a case, the Court shall, in the committal warrant, specify whether the sentences are to run concurrently or consecutively.

77. Warrants of commitment returned after execution to form part of the records of the case.— Warrants of commitment which are returned to Courts after the execution of sentences should be filed with the records of the respective cases and dealt with under the rules for destruction of records.

CHAPTER - XII

JUDGMENT OF CONVICTION FOR TWO OR MORE OFFENCES

78. Judgment to specify offence in respect to which sentence is passed.— (1) When an offender is convicted of two or more offences and it is competent to the Court to award more than one sentence, the Court shall, in its judgment, declare in respect of which offence or offences, sentence awarded is imposed.

(2) When a Court convicts and sentences an accused on a day in more than one case, the Court shall specifically state whether the sentences in the cases should be undergone concurrently or consecutively. If the Court orders the sentences to run consecutively, it should also specify the order, case-wise, in which the sentences should be served consecutively by the accused.

79. Sub-section under which convicted to be stated.— When an accused person is convicted under a section of the Indian Penal Code, 1860 (Central Act XLV of 1860) or other law, which contains several sub-sections with different punishments prescribed for the various offences dealt with, the judgment shall state under which sub-section, the accused was charged and convicted.

80. Judgment to state whether previous conviction was proved or confessed.— When enhanced punishment is awarded on account of previous conviction, it should appear in the judgment that the previous conviction was charged and proved or confessed.

81. Particulars of previous convictions when to be stated.— Particulars of previous convictions and sentences shall be stated at the end of the judgment (whether original or appellate) in all cases where the rules require a judgment to be submitted. Where no judgment is required to be submitted, but only a tabular statement (whether month or otherwise), particulars of previous convictions and sentences shall be invariably entered in the column of remarks in Judicial Form No.60. This rule does not apply to cases of acquittal.

82. Sentences of fine and what the calendars in such cases are to contain.— Any Magistrate sentencing an accused person to the payment of a fine with imprisonment in default of such payment should allow him reasonable facilities for payment of fine. The calendars in such cases shall contain information in the column for remarks in Judicial Form No.60 as to the payment of fine and the orders passed to facilitate such payment.

83. Designation of the Presiding Officer to be noted and signature in fair copy.— The Presiding Officer shall indicate in the calendar, below his signature, his designation. Where the Presiding Officer who has pronounced the judgment and has signed or initialled the same is not available for any reason, his successor can sign the fair copy of the judgment. Such fair copy of the judgment must show on its face itself, the name of the officer who pronounced the

judgment, in addition to the name of the officer who signed the fair copy as a true copy of the original judgment.

84. Copy of judgment when to be sent to the Head of Department.— Where, in a judgment or order, a Court impugns the character or conduct of a public servant, the Court shall forward a copy of the judgment or order to the Head of the Department or the immediate superior of the public servant concerned.

85. Government officials - judgment to be furnished to the Heads of Departments.— In a case where a public servant is charged with a criminal offence, a copy of the judgment or order shall be furnished by the Court to the Head of the Department concerned, free of charge.

86. Copy of judgment when to be sent to Chemical Examiner.— The Court shall forward a copy of its judgment or final order to the Forensic Sciences Laboratory in all cases in which reference was made to the said laboratory for expert opinion.

87. Copy of judgments to be furnished to the prosecution.— In a case of acquittal or discharge, where, the State, for the purpose of filing an appeal or revision against the order, applies for a copy of the judgment or order, the Court shall supply copies of the same free of cost.

88. Copy of judgment when to be sent to the hospital.— In cases where the accused who has been a mental patient is referred to the Court for trial after treatment, the Court shall supply a copy of the final order or judgment free of cost to the hospital concerned.

89. Supply of copies of orders under section 298 of the Code.— Certified copies of calendar extracts/judgments on plain paper relating to previous convictions in any case, shall, on an application, be supplied, free of cost to the prosecuting agency for the purpose of section 298 of the Code.

90. Service of notices issued by the High Court.— (1) All notices issued by the High Court under section 392 and sub-section (2) of section 395 of the Code shall be issued in duplicate and shall be served as expeditiously as possible and the duplicate copy with the endorsement of service if effected should be submitted to the High Court without delay.

(2) When notices are received by the Subordinate Courts from High Court in Writ of Habeas Corpus Petitions, they shall be served or caused to be served forthwith giving them top priority and return the notices with the endorsements before the hearing date to the High Court.

91. Production of prisoners not permitted in some cases.— No State prisoner or prisoner under sentence of death shall be removed under the Prisoners (Attendance in Courts) Act, 1955 (Central Act 32 of 1955) from the prison in which he may be confined without the special sanction of Government, except in the case of a prisoner under sentence of death whose presence is required by a Sessions Judge or High Court for the purpose of taking additional evidence in the case under section 391 of the Code. In all other cases in which the evidence of such a prisoner is required, the Court shall proceed to prison and record the evidence of the prisoner there, unless the Government have sanctioned his removal from the prison to the Court-house for the purpose.

92. Production of prisoners in other cases.— (1) Any Court may, if it thinks fit that the evidence of any prisoner, other than that mentioned in rule 91, is material in any matter pending before it, make an order in Form No.37 of the Code directing the officer-in-charge of the prison wherein such prisoner is confined to produce before the Court.

(2) Any Court may, if a charge of an offence against a person confined in any prison is made or pending before it, make an order in Form No.36 of the Code directing the officer-in-charge of the prison wherein such prisoner is confined to produce before the Court.

93. Magistrate taking action under section 144 of the Code to communicate the order to the Civil Court.— Whenever a Magistrate takes action under section 144 of the Code or any analogous provisions of law, he should immediately communicate a copy of his order to the Civil Court having original jurisdiction over the locality to which his proceedings refer. Similarly, the Civil Court will communicate to the Magistrate having local jurisdiction, any injunction issued by it with reference to matters which would fall within the scope of section 144 of the Code.

CHAPTER – XIII**INQUIRY INTO CUSTODIAL DEATH/DISAPPEARANCE/RAPE****94. Death or disappearance or rape while in custody.–**

(1) Any information relating to the death or disappearance of any person or rape of a woman while in custody of the police or in any other custody authorised by a Magistrate or Court, shall be registered as a case under section 154 of the Code.

(2) On receipt of information of an occurrence referred to in sub-section (1-A) of section 176 of the Code, the Judicial Magistrate/Metropolitan Magistrate, in whose jurisdiction the occurrence has taken place, shall hold an enquiry.

(3) During such inquiry under sub-section (1-A) of section 176 of the Code, the Judicial Magistrate / Metropolitan Magistrate shall have the power to record evidence on oath.

(4) On completing the inquiry, the Judicial Magistrate / Metropolitan Magistrate shall draw a report and keep the statements of the witnesses, documents collected and the report drawn by him as part of case records.

(5) The Judicial Magistrate / Metropolitan Magistrate shall furnish copies of the statements of the witnesses recorded during inquiry under sub-section (1-A) of section 176 of the Code, the documents collected and the report drawn by him to the investigating police officer without delay.

(6) The investigating police officer shall, without being hindered by the inquiry by the Judicial Magistrate / Metropolitan

Magistrate, conduct investigation under Chapter XII of the Code thoroughly and submit a final report to the jurisdictional Magistrate / Court under section 173 of the Code.

(7) The Judicial Magistrate / Metropolitan Magistrate shall not forward the original records of the inquiry under sub-section (1-A) of section 176 of the Code either to the District Collector or to the Government.

CHAPTER - XIV

LEGAL AID AND *AMICUS CURIAE*

95. Legal Aid.— Wherever necessary, the Court, including the High Court, shall extend legal aid to a person in accordance with the rules made under sub-section (2) of section 304 of the Code or under the provisions of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987) and the rules/regulations made thereunder.

96. Appointment of an advocate as *Amicus Curiae*.— The Court may, on its own motion or on application by the prosecuting officer or by the defence counsel, appoint an Advocate as *amicus curiae* in a case of importance or difficulty.

COURT OF SESSION**CHAPTER – XV****COURT SEAL AND NUMBERING OF CASES**

97. Description of the seal of a Court of Session, Additional Session and Assistant Session.– (1) The seal of every Court of Session, Additional Session and Assistant Session shall be a circular seal, two inches in diameter, bearing the Tamil Nadu State Emblem, with the motto “வாய்மையே வெல்லும்” in Tamil script inscribed in an arc following the border of the Emblem (but without any border lines) and with the designation of the Court in Tamil, “the Court of Sessions to the Division” inscribed on the seal within two concentric circles around the Emblem but without the words “Government of Tamil Nadu”.

(2) In respect of the Union Territory of Puducherry, such seal shall be circular with two concentric circles around the national emblem with the words “Sathyameva Jayathe” in Devanagari script at the bottom of the symbol with the name of the Court inscribed between the circles.

(3) When new seals are required, Courts of Session shall indent for them on the Public Works Workshop, sending their indents through the Registrar General of the High Court.

98. Numbering of cases committed to Court of Session. –

Cases committed to the Courts of Session shall be filed and numbered on the receipt of the records from the Committal Court in Administrative Form No.1 (Criminal Register No.1). The case shall continue to bear the same number even when it is made over or transferred for trial to the Additional or Assistant Sessions Judge within the same Sessions Division.

CHAPTER – XVI**ADJOURNMENT**

99. Adjournment to be in writing. – When a case is adjourned to another day, there shall be a written order of adjournment and remand if the accused is in custody.

100. Order or remand to be endorsed on the warrant. – While remanding a person to custody, the Court shall mention in the remand warrant, the date up to which the person is remanded and shall also give a further direction for the production of the person before the Court on the date of the expiry of the remand period.

CHAPTER - XVII
DEATH SENTENCE

101. Copy of letter of reference in referred trials.— Copy of the Judge's letter of Reference shall be supplied immediately to a prisoner sentenced to death.

102. Order of the High Court and the Supreme Court to be communicated to the Superintendent of Prisons.— (1) Sessions Judges shall make arrangements for communicating every order of the High Court and of the Supreme Court imposing, confirming, reversing or committing a sentence of death to the Superintendent of the Prison where the prisoner is confined within twenty four hours of the receipt of the order.

(2) In the case of an order of the High Court confirming or imposing a sentence of death, the warrant for executing that sentence shall not be issued by the Sessions Judge until after the dismissal of the appeal to the Supreme Court or of the application for special leave to appeal to the Supreme Court, or, in case no such appeal has been preferred or no such application has been lodged, until after the expiry of the period allowed for an appeal to the Supreme Court or for lodging of an application for special leave to appeal to the Supreme Court.

(3) If the sentence of death has been passed on more than one person in the same case and if an appeal to the Supreme Court or an application for special leave to appeal to the Supreme Court is lodged by or on behalf of only one or more, but not all of them, the warrant for execution of the sentence shall be postponed in the case

of all such persons and not only in the case of the persons or person by whom or on whose behalf the appeal or the application is lodged.

103. Issue of warrant of execution of death sentence.—

Subject to the provision of sub-rule (2) of rule 102, the Sessions Judge shall, in the case of an order confirming or imposing a sentence of death received under sub-rule (1) of rule 102, issue a warrant in Form No.42 of the Code (suitably amended with regard to cases in which a sentence of death is imposed in appeal) accompanied by a copy of the judgment in the appeal, and shall appoint therein as the date of execution a day not less than 21 days and not more than 28 days from the date of expiry of the period specified in sub-rule (2) of rule 102.

104. No fresh warrant to be issued in cases under sections 432, 433 or 434 of the Code.— In a case in which the Central Government or the State Government suspends, remits or commutes a sentence under section 432, 433 or 434 of the Code, and, in a case in which the President or the Governor, under Article 72 or Article 161 of the Constitution of India, respectively, grants pardon, reprieve or remission, no fresh or revised warrant need be issued.

CHAPTER - XVIII**JUDGMENT**

105. Judgment to show if accused was defended.— In the heading of the judgment, it should invariably be noted whether the accused, or any of them, was defended by an Advocate. The name of the police station concerned and the crime number of the offence should also be noted at the heading of the judgment or charge.

106. Judgment to contain certain particulars.— (1) The judgment in original decision shall, apart from the particulars prescribed by section 354 of the Code, also contain a statement in tabular form giving the following particulars, viz.,

Serial Number	Name of the Police Station and the Crime Number of the offence	Description of the Accused					Date of									Explanation of delay
		Name	Father's name	Occupation	Residence	Age	Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Closure of trial	Sentence or order	Service of copy of judgment or finding on accused	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

Note.— (i) Date of complaint in column 9 shall be the date of the filing of the charge sheet in respect of case instituted on police report and the date of filing of the complaint in respect of other cases;

(ii) Date of apprehension in column 10 shall be the date of arrest;

(iii) Date of commencement of trial in column 13 shall be—

(a) in summons cases, the date on which the particulars of the offence are stated to the accused under section 251 of the Code;

(b) in warrant cases instituted on police report, the date on which the documents under section 207 of the Code are furnished to the accused and the Magistrate satisfies himself of the same under section 238 of the Code;

(c) in other warrant cases, when the recording of evidence is commenced under section 244 of the Code;

(d) in Sessions trials, when the charge is read out and explained to the accused under section 228 of the Code.

(2) Only two copies of this statement are required, one copy for record and one for transmission to the High Court. The one for record may conveniently be written up in a list to be bound up by way of index with clear copies of the judgments for each year.

(3) Judicial Form No.61 shall also be annexed to the judgment.

107. List of witnesses, etc., to be appended to judgment.— (1) There shall be appended to every judgment, a list of witnesses examined by the prosecution and for the defence and by the Court and also a list of exhibits and material objects.

(2) If the exhibits relate to medico legal report, the number and date of the report of the Department of Serology and Chemical Examiner to the Government, shall invariably be given under exhibits mentioned in the judgment.

(3) In the list appended to the judgment, in the description of material objects, if there are more than one same type of objects (say shirts), they should be mentioned as M.O.1-shirt belonging to P.W.1, M.O.2- shirt belonging to P.W.2 and M.O.3-shirt belonging to the deceased, for the sake of clarity.

(4) Likewise, if there are more than one weapon of the same type, they shall be mentioned as M.O.1, stick used by A.1, M.O.2, stick used by A.2, and M.O.3, stick used by A.3, in order to give a clear idea of the weapons recovered from the respective accused.

(5) When judgments are written in Tamil by the Court, the prosecution witnesses shall be described as அரசு சாட்சி using the abbreviation of it as அ.சா. instead of அ.த.சா. (அரசு தரப்பு சாட்சி)/வா.சா. (வாதி சாட்சி)/ந.சா. (நடத்துனர் சாட்சி).

108. Distribution of copies of judgments.— (1) Every Court shall host the judgment in the official website on the date of its pronouncement.

(2) Every Court of Session shall, within fourteen days from the date of pronouncing the judgment, distribute copies of the judgment free of cost as follows:—

- (i) One copy to the committal Court;
- (ii) One copy to the District Collector;
- (iii) One copy to the Commissioner of Police or Superintendent of Police of the District, as the case may be;
- (iv) One copy to the investigating agency through the Prosecutor concerned;
- (v) One copy to the High Court as provided for in the rules relating to the submission of judgments and calendars;
- (vi) Three copies to the High Court as provided for in the rules relating to the submission of records;
- (vii) Two copies (in respect of each prisoner) to the Superintendent of the Prison to which the prisoner is committed when such prisoner is sentenced to imprisonment (one copy for being filed with the warrant of committal or used for the purpose of memorializing to the Government if required, and the other copy for the use of Probation Officer to enable him to give an accurate report regarding the premature release of the prisoner under the Advisory Board Scheme);
- (viii) Two copies (for each prisoner) to the Superintendent of the Prison to which a prisoner is committed in case when such prisoner is sentenced to death to prevent delay in the transmission to Government of petitions for mercy;
- (ix) One copy to the Head of the Department, or immediate superior in cases in which the official character or conduct of a Government servant is impugned; and
- (x) One copy to be bound up in a volume of judgments for reference in Court of Session.

CHAPTER - XIX

COMMUNICATIONS ISSUED TO SUBORDINATE MAGISTRATES

109. Mode of communicating orders to Subordinate Magistrate.— All proceedings of the Court of Session addressed to any Magistrate subordinate to the Chief Judicial Magistrate shall, except in cases of urgency or when the law sanctions a different course, be sent to the Magistrate concerned through the Chief Judicial Magistrate.

110. Procedure in cases of urgency.— In the cases, except in the foregoing rule, the Court of Session shall send the proceedings to the Magistrate concerned and to the Chief Judicial Magistrate simultaneously.

111. Calling for records on appeal or revision without intervention of the Chief Judicial Magistrate.— In calling for the records of an inferior Court under section 385 or 397 of the Code, the Sessions Judges may address the Magistrates in whose custody the records are, without the intervention of the Chief Judicial Magistrate, in Judicial Form No.33. The records so called for may likewise be retransmitted directly to the Courts concerned within fifteen days after the disposal of the cases.

112. No fresh warrant need be issued in certain cases.— In cases in which the Central Government or the State Government suspends, remits or commutes a sentence under sections 432, 433

and 434 of the Code and in cases in which the President or the Governor under Article 72 or Article 161 of the Constitution of India grants a pardon, reprieve or remission, no fresh or revised warrant need be issued.

113. Intimation to be given to the Controller of Defence Accounts-Pensions, Allahabad.— (1) When a military pensioner is convicted and sentenced to imprisonment or where such conviction and sentence of imprisonment are confirmed in appeal, the Court passing or confirming such a sentence shall forward to the Controller of Defence Accounts-Pensions, Allahabad, free of charge, a copy of such judgment as soon as possible after it is pronounced stating the place from where the pensioner last drew his pension.

(2) The Metropolitan Magistrate or Judicial Magistrate, as the case may be, shall forward such judgment through the Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be.

(3) The Assistant and Additional Sessions Judges shall forward such judgments through the Sessions Judge.

(4) This rule shall also apply to judgments of the High Court exercising powers of appeal or revision.

114. Previous convictions to be noted in Sessions calendars.— In all Sessions calendars submitted to the High Court, particulars of previous convictions and sentences should be given

except in cases of acquittal and a note should be made as to whether any or all of those previous convictions have been admitted by or proved against the accused.

115. Courts of Session to send copies of judgments to High Court.— (1) The Courts of Session shall submit to the High Court, copies of all their judgments in original trials within one month from the date of pronouncing judgment in each case.

(2) The Assistant and Additional Sessions Judges shall submit copies of the judgments in original trials to the High Court through the Sessions Judge.

116. Special report may be sent in any particular case.— When the Sessions Judge sees occasion to comment specially on the action of a Magistrate in connection with a case coming before the Sessions Court, he should send up to High Court, a special report on the subject in the form of a letter without awaiting the receipt of the calendar.

CHAPTER - XX

SESSIONS STATEMENT

117. Sessions statement.— The Sessions Judge should submit to the High Court, a quarterly statement of all the Sessions Cases, Criminal Appeals and Revisions disposed of in the districts containing the following particulars:—

1. Serial number of Sessions Cases.
2. Serial number of appeals or revision cases disposed of during the quarter.
3. Police Station and crime number (if shown in records received in the Sessions Court).
4. From what Court, the appeal or revision is preferred.
5. Number of the case in that Court.
6. Number of the appeal or revision case.
7. Name and description of the appellant or petitioner.
8. Sentence and Law under which it was imposed in the lower Court.
9. Whether confirmed or modified or reversed.
10. If modified, the modification.

CHAPTER - XXI

APPEALS

118. Head Ministerial Officer to receive criminal appeals.— The Memorandum of criminal appeal and the criminal revision petition shall be presented in the office of the Court of Session or in the Registry of the High Court, as the case may be, except appeals under section 383 of the Code. The particulars of the Memorandum of criminal appeal and criminal revision petition so presented in the office of the Court of Session shall be entered in Administrative Form Nos.2 and 3, respectively (Criminal Register Nos. 2 and 3 respectively). The Court shall not insist filing of affidavit in support of the memorandum of appeal or revision.

119. Separate or joint appeals when to be preferred.— Where several accused persons are convicted in a single trial, each of them can prefer an appeal against his conviction either separately or jointly with one or more of the other accused. But, when one accused has been convicted at different trials, he should prefer separate appeal in each case.

120. Prison appeals.— No appeal forwarded from prison under section 383 of the Code shall be summarily rejected until fifteen days have elapsed after its receipt by the Appellate Court. In forwarding such an appeal, the officer-in-charge of the prison shall invariably certify that the appellant has been informed that, if he intends to appoint an advocate, an appearance must be put in within fifteen

days from the date on which his petition may reach the Appellate Court:

Provided that nothing in this rule shall oblige the Appellate Court to wait for the full period of fifteen days, if the appellant has appeared and been heard in person or by advocate within that period.

121. When notice may be dispensed with in appeals received from appellants in prisons.— When a Court of Appeal decides to proceed under section 384 of the Code, in disposing of an appeal received under section 383 of the Code from an appellant who is in prison, it is not legally bound to give notice to the appellant nor is it generally necessary to do so. It is sufficient as a rule if the Court allows seven days to elapse before proceeding to dispose of the appeal under section 384 of the Code.

122. When notice should be given in appeal received from appellant in prison.— When the Court decides to proceed under section 385 of the Code, notice shall be issued to the appellant or his advocate and the intimation given by the officer of the prison when forwarding the appeal petition is not sufficient for this purpose.

123. Notice of appeal to whom to be given.— (1) Subject to the provisions of section 385 of the Code, notice of appeal shall be given to the Public Prosecutor concerned in the Appellate Court representing the agency that had investigated the case, in Judicial Form No.32. In all other cases, to the respondent shown in the memorandum of appeal.

(2) In a case where compensation has been awarded to a person, notice shall also be given to him.

(3) Every notice issued under this Chapter shall be accompanied by a copy of the petition/grounds of appeal/revision on plain paper. The person receiving the notice shall acknowledge the receipt of the notice immediately. But, the hearing of the case will not be delayed for want of such acknowledgment.

(4) In addition to the other modes of service of notice, the Court may order service of notice by e-mail to a party.

(5) In addition to the other modes of service of notice, the Sessions Court may also direct the appellant / petitioner that the information about the pendency of the appeal/revision be intimated to the advocate who had appeared for the respondent in the Court below, so as to enable him to inform the party, for taking steps to enter appearance. Compliance with this rule, by itself, cannot be a ground for setting aside the respondent *ex parte*.

APPEAL AGAINST ACQUITTAL

124. Notice to Public Prosecutor of bail application.— (1)

The Court shall give notice of every application for bail and an application under section 390 of the Code to the local Public Prosecutor.

(2) In cases where bail is granted under section 390 of the Code, the Court granting such bail shall report the fact to the High Court at once.

SUSPENSION OF SENTENCE

125. Copy of the order of suspension to be sent to the Superintendent of Prison.— Copy of the orders of bail and suspension of sentence shall be forwarded to the Superintendent or Officer in-charge of the prison in which the accused is confined in Judicial Form No.41.

126. Copy of order of dismissal to be sent to the Superintendent of Prison.— Whenever an Appellate Court dismisses an appeal, it shall, whether the execution of the sentence is suspended under section 389 of the Code or not, send a copy of the order dismissing the appeal to the Superintendent or officer in-charge of the prison in which the appellant is or is to be confined in Judicial Form No.34.

127. Amended warrant to be sent to Superintendent of Prison when sentence of imprisonment is modified.— Subject to the provisions of section 388 of the Code, whenever an Appellate Court modifies a sentence of imprisonment, it shall prepare a fresh warrant in Judicial Form No.37 in accordance with the terms of the order passed and shall send the same along with a copy of the order direct to the Superintendent or officer in-charge of the prison in which the appellant is or is to be confined and shall recall and cancel the original warrant of commitment, which shall be attached to the record of the Court and returned to it therewith.

128. Warrant of release to be sent to Superintendent of Prison when sentence of imprisonment is reversed.— Whenever an Appellate Court reverses a sentence of imprisonment, it shall

prepare a warrant of release in Judicial Form No.36 and shall send the same by Registered Post with Acknowledgment Due, along with a copy of the order direct to the officer in-charge of the prison in which the appellant is confined. It shall, at the same time, recall and cancel the original warrant of commitment which shall be attached to the record of the original Court and returned to it therewith.

129. Order of refund of fine.— Whenever an Appellate Court reduces or reverses a sentence of fine, it shall, if the fine has been levied, grant an order of refund to the appellant in his name or in the name of his advocate holding a special vakalat specially authorizing him to receive the money on behalf of the appellant, in Administrative Form No.45. When the order of refund is presented to the Court of first instance, it shall forthwith prepare the necessary bill for payment in Administrative Form No.39 and deliver it to the payee on proper identification and the acknowledgment in this regard shall be obtained in Administrative Form No.24 (Criminal Register No.24).

130. Collection of additional fines.— Whenever an Appellate Court other than the High Court, enhances the fine imposed, it shall, if the excess fine amount is not paid immediately, intimate the Court of first instance, which shall take immediate steps to collect the excess fine and intimate the action taken to the Appellate Court concerned.

131. Order of High Court on appeal and revision.— Rules 125 to 129 do not apply to the High Court. The procedure applicable to the High Court in appeals and revision cases is provided in sections 388 and 405 of the Code. Whenever the High Court certifies its

judgment or order to a lower Court under either of these sections, it is the duty of the latter Court to issue necessary warrant of release in Judicial Form No.40 or modification of sentence in Judicial Form No.39 or order for the refund of fine in Administrative Form No.45 and in doing so, it shall be guided, as far as may be, by the above provisions of rules 125 to 129.

NOTE: In this rule, the expression "Lower Court" means, in the case of a judgment or order passed by the High Court on a revision petition against the finding, sentence or order of an Appellate Court, the Appellate Court and not the Court of first instance.

132. Time for presentation of payment order.— Payment order shall be presented for payment within three months from the date of its issue. If not presented within that period, it shall be returned to the Court, and may then, after being re-dated and initialled by the Court concerned, be re-issued to the payee.

133. Duplicate copy of order of High Court to be sent to Superintendent of Prison.— When an order of the High Court in appeal or revision is certified to a lower Court under section 388 or 405 of the Code, it shall be issued in duplicate and the lower Court shall, on receipt of the order, forthwith send one copy of it to the Superintendent or officer in-charge of the prison in which the prisoner is confined, along with the warrant in Judicial Form No.39, if any, required by rule 131. If the High Court order is an order of release, one copy shall be sent direct from the High Court to the Superintendent or officer in-charge of the prison.

NOTE: In this rule, the expression "Lower Court" means, in the case of a judgment or order passed by the High Court on a revision petition against the finding, sentence or order of an Appellate Court, the Appellate Court and not the Court of first instance.

134. Copy of judgment to be returned to prisoner in prison.— The Court disposing of an appeal by a convict in prison shall, in communicating its order to the prisoner, return to him through the Prison authorities, the copy of the judgment appealed against which accompanied the petition of appeal.

135. As many copies of judgments to be sent as there are prisoners.— In the case referred to in rules 126 to 128, 131 and 133, warrants shall be prepared separately for each prisoner and communicated to the Superintendent or officer in-charge of the prison in which the prisoners are confined and each warrant shall be accompanied or followed, as soon as possible, by the judgment or order in accordance with which the warrants are prepared.

136. Return of papers after disposal of appeal, etc..— On the termination of an appeal, revision petition or other application, the Court to which such appeal, revision petition, or application is made, shall, on an application in writing made in that behalf by the party or Advocate concerned, return, as soon as possible, copies of judgments, order and other papers filed as enclosures to such appeals, revision petitions or applications. An endorsement on the application for return signed by the party or Advocate, shall be sufficient voucher for the return of the copies.

137. Contents of judgment.— (1) In all cases of appeal, the point or points for determination in appeal and the reasons for the decision of the Appellate Court shall be stated.

(2) When an appeal is rejected under section 384 of the Code, the judgment shall contain a statement, if the fact be so, that the Court has perused the petition of appeal and a copy of the judgment or order appealed against and has heard the appellant or his counsel, as the case may be, if they appeared, or if the fact be so, that the appellant was called on the date fixed and did not appear either in person or by counsel.

138. Tabular statement to be given in appeal judgment.—

The judgment shall contain the particulars in a tabular statement as in Judicial Form No.62.

CHAPTER - XXII

REVISION AND RECOMMENDATION TO GOVERNMENT

139. Sessions Judge to revise case which calls for revision.— (1) The Sessions Judge shall carefully peruse all judgments and orders submitted to him with calendar statements with a view to exercise his powers of revision and shall deal with any case under section 399 of the Code.

(2) In the absence of any urgency, the Sessions Judge shall not exercise his power of revision under section 399 of the Code in cases where an appeal is provided by law, until the time allowed for the appeal has expired.

140. Chief Metropolitan Magistrate/Chief Judicial Magistrate to comply with requisitions of Sessions Judge.— The Chief Metropolitan Magistrate / Chief Judicial Magistrate shall comply with all requisitions for records, returns and information made by the Sessions Judge. They shall also render any explanation which the Sessions Judge may require from them or from a Subordinate Magistrate in such a case.

141. Explanation from the Magistrate.— In a case where the Sessions Judge, on perusing the calendar, is of the opinion that a judgment or order calls for revision under section 399 of the Code, he shall obtain the explanation of the Magistrate concerning the alleged error. The explanation shall be obtained through the Chief Judicial Magistrate.

142. Certified copies of judgments or orders to be filed in all revision cases.— In all revision cases, certified copies of the judgments or orders sought to be revised should invariably be furnished.

143. Calling for records.— In a case where the Sessions Judge is of the opinion that the judgment or order calls for revision under section 399 of the Code, he may call for the record of the case.

144. Mode of sending material papers.— In a case where the original record is required, the Court concerned shall send the material part of the original record along with a photocopy of the said record duly certified and the original record shall be returned to the Court concerned after perusal of the same by the Judge who had called for it.

145. Recommendations to Government to remit or commute sentence.— Whenever a Sessions Judge or a Magistrate is of the opinion that there are grounds for recommending to the Government to exercise the powers vested on them under section 432 or 433 of the Code of remitting or commuting any sentence adjudged by the Court, the recommendation for remission or commutation of the punishment shall be submitted to the Government in the following manner:—

(1) through the High Court when made by a Sessions Judge;

(2) through the Sessions Judge and the High Court when made by a Chief Judicial Magistrate;

(3) through the Chief Judicial Magistrate and the High Court, when made by any Magistrate other than the Chief Judicial Magistrate or Additional Chief Judicial Magistrate;

(4) through the Chief Metropolitan Magistrate and the High Court when made by any Metropolitan Magistrate; and

(5) through the High Court when made by the Chief Metropolitan Magistrate or the Additional Chief Metropolitan Magistrate.

146. Report of the presiding Judge on reference under section 432 of the Code to be forwarded to Government through the High Court.— In cases in which the opinion of the presiding Judge is called for by the Government under sub-section (2) of section 432 of the Code, the same shall be forwarded by the presiding Judge through the High Court, whether the requisition for the opinion has been received through the High Court or not.

147. Application for transfer to be filed as Criminal Miscellaneous Petition.— Every application for transfer of a case presented independently or against an order of subordinate Criminal Court making or refusing to make an order of transfer, shall be filed and registered as Criminal Miscellaneous Petition and not as Revision Petition.

CHAPTER - XXIII**HIGH COURT****APPEALS**

148. Tapal petitions for exercise of judicial authority not to be entertained.— Save as otherwise provided, no application or petition for the exercise by the High Court of its judicial authority will be entertained when forwarded by post.

149. Form of appeal, etc..— All petitions, applications, affidavits, memorandum of appeal or revision petitions and all applications presented to the High Court, shall be in English and shall be typewritten or printed, fairly and legibly on substantially white foolscap folio paper with an outer margin about two inches wide and separate sheets shall be stitched together bookwise. The writing or printing may be on both sides of the paper and numbers shall be expressed in figures.

150. Cause title of Miscellaneous Petition.— Every original and miscellaneous petition shall be headed with a cause-title setting out the provision of law under which it is filed and the names and full addresses of the parties to it separately numbered and described as petitioners and respondents. The parties shall also furnish their mobile number or e-mail id or aadhaar card number.

151. Cause title of memorandum of appeal.— (1) Every memorandum of criminal appeal other than an appeal presented to a prison officer, shall be headed with a cause title setting out the provision of law under which it is preferred, the name of the Court, the name of the appellants with address and mobile number or e-mail id or aadhaar card number and the name and address of and respondents in the High Court and also the full cause title of the case or matter in the lower Court or Courts, as the case may be.

(2) Where an appellant is in prison, that fact shall be mentioned in the cause-title with an indication of the prison in which he is confined.

(3) These provisions shall, as far as may be, apply to revision petition also.

152. Cause title of subsequent proceedings.— Every proceeding, subsequent to an appeal, revision petition or other application, may be headed with a short cause title setting out the provisions of law and the names of the parties and their ranks and status in the main case.

153. Enclosures of appeal or revision petition.— (1) Every memorandum of appeal or revision shall be accompanied by a certified copy or the copy furnished by the Court to the party of the

judgment or order of the Court appealed against or sought to be revised, a memorandum of appearance duly signed with the enrollment number and address of the Advocate and the necessary vouchers for the verification of any matter or entry in the petition or enclosures.

(2) When a revision petition is presented against the judgment or order passed in appeal, it shall also be accompanied by a certified copy of the judgment or order of the Court of first instance obtained either by a fresh application for copy or by a return of enclosures under rule 136.

154. Petition to excuse delay to accompany appeals or revision petitions presented out of time.— (1) Every petition filed seeking condonation of delay in presenting appeal or revision shall be accompanied by an affidavit explaining the sufficient cause for such delay.

(2) The period of limitation prescribed for filing a revision petition is exclusive of the time occupied in obtaining a certified copy of the order or judgment which the petitioner seeks to revise, but, inclusive of the time occupied in obtaining return documents under rule 136.

155. Separate petition to be filed in each case.— Every interlocutory application relating to an appeal, revision petition or original petition shall be made by a separate petition in each case.

156. Court fee to be paid on each petition.— Every petition filed in Court or presented in the office shall be stamped with the Court fee to which it is liable under the law.

157. Return of defective petitions, etc., and their re-presentation.— Every petition or application which does not comply with the above requirements or is otherwise defective shall be returned with reasons to the party or Advocate concerned for amendment and re-presentation within a specified time.

158. Petition to excuse delay to accompany appeals out of time on the date of re-presentation.— Every petition seeking condonation of delay in re-presenting the appeal memorandum or revision petition returned by the Court, within the specified time, shall be accompanied by an affidavit explaining the sufficient cause for the delay.

159. Posting of cases for admission.— Every appeal (other than one preferred from prison or in which the prisoner has been sentenced to death or has been called upon to show cause why he should not be so sentenced), revision, application and petition shall be posted for admission at the earliest possible opportunity after it is filed.

160. Motion cases.— Every petition or application intended to come up for orders of the High Court as a special motion should be

filed in the Registry not later than 1.30 p.m. on the day previous to the day on which the motion is to be heard.

161. Motion to be taken before the day's regular work.—

Every petition allowed by the Registry under rule 160 may be taken up before the regular work of the Court for the day and shall also have precedence over civil motions.

162. Additional set of papers to be filed in motions before a Bench of two or more Judges.— Where a motion has to be heard by a Bench of two or more Judges, additional sets of papers should be furnished by the party concerned.

163. Twenty four hours notice to Public Prosecutor to be given in cases of transfer.— No application for transfer in which previous notice is prescribed by the Code shall be accepted as a special motion unless it bears an endorsement or is accompanied by a satisfactory voucher that notice was given to the Public Prosecutor at least twenty four hours before the forenoon of the day on which the Court sits to take up the application.

164. Personal notice in the absence of advocate.— (1) Notices in criminal cases shall be served on parties personally unless they are represented by advocate in which case notice shall be given to such advocate. The Registry may also sent notice to the party by e-mail.

(2) It is permissible for the Court to order private notice or notice by publication to a party.

(3) In addition to the other modes of service of notice, the High Court may also direct the petitioner/appellant that the information about the pendency of the petition/appeal be intimated to the advocate who had appeared for the respondent in the Court below, so as to enable him to inform the party for taking steps to enter appearance. Compliance with this rule, by itself, cannot be a ground for setting aside the respondent *ex parte*.

165. Notice to Public Prosecutor in cases referred to High Court under section 366 of the Code.— In cases referred to the High Court for the confirmation of capital sentence, the Court shall issue notice to the Public Prosecutor or to the Prosecuting Agency to appear on behalf of the prosecution.

166. Every notice issued under this Chapter shall be accompanied by a copy of the petition/grounds of appeal/revision on plain paper. The person receiving the notice shall acknowledge the receipt of the notice immediately. But, the hearing of the case will not be delayed for want of such acknowledgment.

167. Service on prisoners through prison authorities.— Notice for service on parties in prison will be forwarded to the officer in-charge of the prison and endorsement by the officer that notices were duly served shall be taken as proper service.

168. Cases in which Court printing is done.— (1) The following classes of cases will be printed by the Registry without special orders of Court:-

(i) Reference under section 395 of the Code.

(ii) Appeal under the Code.

(2) (i) It will not ordinarily be necessary to print inquest reports and prior statements which are filed merely to prove omissions or motive.

(ii) Where parts of a document are relied on, those parts alone need be printed, as indicated by the trial Court in the judgment or the list of exhibits annexed.

(iii) In cases where there are a number of accused, such as cases involving offences like rioting, the printing of statements of the accused under section 313 of the Code may be dispensed with:

Provided that three copies of such statements are typed, one for the Court, one for the use of the Public Prosecutor and one for joint reference by all the counsel for the accused persons.

169. Evidence to be printed only if pleadings are printed.— No party will be permitted to print the evidence in a case without his having paid for the printing of the pleadings.

170. Time for translation and printing list.— No application for the printing of evidence presented by the petitioner after the expiry of one week from the date of the admission of his petition or by the respondent after the expiry of fourteen days from the date of service of the notice of the petition, shall be received except under the orders of the Registrar.

171. Registrar to permit printing of fresh documents to be admitted in evidence.— When application is made for the translation and printing of any document not on the record of the case with a view to its admission in evidence, the translation and printing may be ordered by the Registrar, provided that the order shall be made without prejudice to the posting of the case.

172. Bill to be paid within ten days from its issue.— A party to whom a bill is issued for printing charges, whether in respect of pleading, or of evidence, shall be called upon to pay the amount therein specified within ten days from the date of its service on him and no payment shall be received after the expiry of that period, except under an order of the Registrar.

173. No printing in revision cases wherein there is an order of stay.— In the absence of an express direction to the contrary, no printing either of pleadings or of evidence, shall be done in a revision case, pending disposal of which, stay of proceedings in any criminal case has been ordered by the Court.

174. Cases in which printed papers are to be supplied gratis.— Printed papers will be supplied free of cost in the following cases:—

- (i) One set to the Public Prosecutor in every case in which notice has been issued to him;
- (ii) One set to the advocate to whom a State brief has been issued;
- (iii) One set to the advocate who has been appointed to act as *amicus curiae*;

- (iv) One set to the advocate for accused in -
 - (a) proceedings submitted to the High Court under section 366 of the Code;
 - (b) Appeals against acquittal;
 - (c) Revisions for enhancement of sentence to death.

175. Application to be made in other cases.— (1) An advocate requiring free supply of printed or typed papers in any other case should obtain the orders of Court by means of a petition or otherwise.

(2) Application for free copies of printed papers shall be made at the time of the admission of an appeal or petition in any other case and shall be supported, wherever possible, by an affidavit on the means of the accused.

176. Additional sets to be applied for at the time of printing.— Applications for additional sets of printed papers shall not be entertained unless they are made by parties paying for the printing and are made in sufficient time to enable the office to comply with the requisition.

177. Payment to be made in other case.— Printed papers will not be issued to parties or advocates not having notice in a case except on payment and under the special orders of the Registrar.

Explanation: The expression "printing" wherever it occurs includes "typing", "photostat" or any other process for making legible copies of the record.

178. List of ready cases.— (1) A list of cases ready for hearing shall be exhibited on the notice board as each case becomes ready and no criminal case shall ordinarily be posted for hearing within a week of its being so exhibited.

(2) No such list shall however be exhibited for original miscellaneous applications.

179. Rough list.— A rough list of cases for disposal on the next working day shall be exhibited on the notice board each day.

180. Weekly list.— In addition to the list referred to in the preceding rule, a special list of cases shall be put up on Tuesday preceding the week during which they shall be disposed of by the Criminal Bench, when applications for adjournment of any case on such list shall be dealt with.

181. Cases to be heard by Bench of two Judges or more.— The following classes of cases shall ordinarily be heard by a Bench of two Judges:—

(i) Every proceeding under section 366 of the Code and every appeal from the judgment of a criminal Court in which sentence of death or imprisonment for life has been passed on the appellant or on a person tried with him;

(ii) Every reference under section 395 of the Code;

(iii) Every appeal against acquittal on a capital charge;

(iv) Every case taken up in revision for enhancement of sentence to death;

(v) Every application for directions of the nature of *Habeas Corpus* under Article 226 of the Constitution of India;

(vi) Every appeal, application, reference or revision petition which may be referred to a Bench by a Single Judge;

(vii) Any other case as may be directed by the Chief Justice to a Bench of two Judges.

182. Single Judge cases.— All other criminal cases not referred to in rule 181 shall ordinarily be heard by single Judge.

183. Reference under section 366 of the Code, to be given preference.— Reference under section 366 of the Code shall have precedence over other cases posted before the Criminal Bench.

184. Judgment and orders to be despatched with promptness.— The judgment or order of the High Court in or relating to a criminal case on its file shall be certified to the lower Courts with the least possible delay.

185. Orders on reference under section 366 of the Code, to be communicated on the same day.— An order on a reference under section 366 of the Code shall be certified to the Court of Session on the same day on which the judgment is pronounced.

186. Orders to be issued beforehand if preparation of judgment is delayed.— Where, in any of the following cases, the Judgment of the High Court cannot be certified to the Lower Court on the day on which it is pronounced, an order drawn up in conformity with the Judgment will be certified on the day on which Judgment is delivered or the next working day:-

(i) Every case in which a judgment of acquittal or release is passed or upheld and the accused or any of them is in custody;

(ii) Every case in which a sentence is passed, enhanced, or confirmed and the accused or any of them is on bail or otherwise at large;

(iii) Every case in which a sentence on the accused person who is entitled to early or immediate release upon such order is reduced or altered; and

(iv) Every other case which, by its nature, requires urgent or immediate action.

187. Judgments relating to Sessions trials.— Judgments of the High Court in cases relating to trials by a Court of Session shall be communicated to,—

(i) The Sessions Judge;

(ii) The Additional or Assistant Sessions Judge, as the case may be;

(iii) The Superintendent of Prison, if any, in which the accused is confined;

(iv) The prosecuting agency concerned;

(v) The Superintendent of Police concerned or any other Officer of higher rank;

(vi) The Public Prosecutor, High Court.

188. To whom orders are to be communicated.— Orders issued in advance of judgments shall be communicated to the officers and parties to whom judgments are communicated.

189. Orders to be communicated to Subordinate Magistrates through the Chief Judicial Magistrates.— Every order and judgment relating to a magisterial enquiry or trial shall be communicated to the Magistrate or Magistrates concerned through the Chief Judicial Magistrate in the absence of special urgency.

CHAPTER - XXIV**REVISION CASES**

190. Applicability of Rules to revision cases.— Rules 187 to 189 shall apply *mutatis mutandis* to revision cases arising from cases, other than Sessions trials.

191. Certificate under Article 132 or 134 of the Constitution of India.— In cases where the High Court grants a certificate under Article 132 or Article 134 of the Constitution of India to a person under sentence of death, the date of the issue of the certificate shall forthwith be intimated to the Government and the Superintendent of the Prison in which the prisoner is confined.

192. State brief.— An advocate will be engaged through the Legal Services Authority to defend an accused person who does not engage an advocate himself and who is under sentence of death or has been called upon to show cause why a sentence of death should not be passed upon him or against whom an appeal has been filed under section 378 of the Code in cases involving imprisonment, and may, if necessary, be engaged in a case involving a lesser sentence.

193. Fee in High Court.— The fee payable to an advocate appointed by the High Court is at the discretion of the High Court.

194. Return of records and material objects.— (1) On the termination in the High Court of a Reference, Appeal, Revision case or other application or matter, the records of the case with the material objects, if any, shall be returned to the Court or Courts from which

they were received along with the judgment or order of the High Court without delay.

(2) If the records are not received by the Court concerned within six weeks from the date of receipt of the copy of the order or judgment passed by the High Court, as the case may be, the High Court shall be addressed for return of records sent for reference in connection with any appeal or other proceedings.

195. Return of enclosures.— Copies of judgments, orders or other papers filed by the parties in the High Court as enclosures to any appeal, revision petition or other application shall, on the termination of such appeal, revision petition or application, be returned to them on a requisition made by them in that behalf, under the orders of the Registrar.

196. In sentences of death, two sets of papers to be sent to Government.— In every case in which a sentence of death is passed or confirmed by the High Court, two copies of the judgment of the High Court with two sets of printed evidence and of all other material papers shall be forwarded to the Government in Home Department.

197. Copies of judgments to be sent to the prison concerned.— For the purpose of appeals to be preferred to the Supreme Court by prisoners confined in prisons, on a requisition by the Superintendent of the Prison concerned, the High Court shall supply free of cost, eight copies of the Lower and Appellate Courts' judgments.

198. Criminal Rules of Practice to apply to High Court.— These Rules shall govern the practice of the High Court on the Appellate Side to the extent to which they are applicable.

CHAPTER – XXV

GENERAL

LEVY OF FINES

199. Levy of fines.— In exercise of the power conferred by sub-section (2) of section 386 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), the State Government have framed rules for the *"Execution of warrants for levy of fines and for the summary determination of any claims made by any person other than the offender in respect of any property attached in execution of such warrant."* These Rules, though framed under the 1898 Code, are saved under section 484 of the Code and should be construed as Rules framed under sub-section (2) of 421 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974). The said Rules are reproduced hereunder:

"Warrant for levy of fine:

(1) A warrant for the levy of fine issued under clause (a) of sub-section (1) of section 386 of the Code [new clause (a) of sub-section (1) of section 421], shall be directed to a police officer and shall be in Form No. XXXVII of Schedule V to the Code [New Form No.43 of Schedule II to the Code].

(2) The authority issuing the warrant shall specify a time for the sale of the attached property and for the return of the warrant.

(2-A) The following articles shall not be liable to attachment or sale, viz.,:-

The necessary wearing apparel, cooking vessels, beds and bedding of the offender, his wife and children and such personal ornaments as in accordance with the custom or religious usage cannot be parted with by a woman, for example, a thali or wedding ring.

(3) (i) The attachment of movable property belonging to the offender shall be made by seizure:

Provided that, where, in addition to or in lieu of

seizure, the police officer considers that either or both of the methods referred to in clauses (b) and (c) of subsection (3) of section 88 of the Code [new section 83] should be adopted, he shall obtain an order to that effect from the Court issuing the warrant.

(ii) When the method referred to in clause (b) of subsection (3) of section 88 of the Code (new section 83) is adopted and a receiver is appointed, the powers, duties and liabilities of such receiver shall be the same as those of a receiver appointed under Order XL of the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908).

(3-A) The police officer who makes an attachment of movables under rule (3), may, after attachment hand over the articles attached to a third party on a bond being executed in Form No.15-A of Appendix E to the Code of Civil Procedure, 1908 (Central Act V of 1908), for their custody and production before the Court when required.

(4) Before making the attachment, the police officer shall deliver or tender a copy of the warrant, to the offender or in his absence, to any adult male member of his family. If a copy cannot be so delivered or tendered, the police officer shall affix a copy of the warrant at some conspicuous place where the property to be attached is found. After making the attachment, the police officer shall, in like manner deliver, tender or affix, as the case may be, an inventory of the property attached.

(5) If no claim is preferred to any property attached, within one month from the date of attachment, by any person other than the offender, the police officer executing the warrant shall have power to sell, within the time mentioned in the warrant, and without previous reference to the Court issuing the warrant the property or such portion thereof, as may be sufficient to satisfy the amount to be levied:

Provided that if the property attached consists of livestock or is subject to speedy and natural decay, or if its immediate sale would be for the benefit of the owner, the police officer may sell it at once, but, the proceeds of the sale shall not be appropriated towards the fine, until the expiration of one month from the date of the attachment and until any claim preferred under rule 6 has been disposed of.

(6) If any claim is preferred to any property attached under rule (3) within one month from the date of such attachment, by any person other than the offender, on the ground that the claimant has an interest in such property and that such interest is not liable to attachment, the claim shall be enquired into and disposed of as provided for in rules (7) to (9):

Provided that any claim preferred within the period allowed by this rule, may, in the event of the death of the claimant, be continued by his legal representative.

(7) Claims may be preferred under rule 6 in the Court by which the warrant is issued, or if the claim relates to property attached under a warrant endorsed by a District Magistrate (now Chief Judicial Magistrate) or the Chief Presidency Magistrate (now Chief Metropolitan Magistrate) under section 387 of the Code (new section 422), in the Court of such Magistrate.

(8) Every such claim shall be enquired into and disposed of by the Court in which it is preferred:

Provided that if preferred in the Court of a District Magistrate (now Chief Judicial Magistrate) or Chief Presidency Magistrate (now Chief Metropolitan Magistrate), such Magistrate may make it over to any Magistrate of the First or Second Class (now Judicial Magistrate), or to any Presidency Magistrate (now Metropolitan Magistrate), as the case may be, subordinate to him.

(9) The enquiry shall be summary and the Court shall record its decision on the claim with the reasons therefor. Such decision shall be final and shall forthwith be communicated to the Police officer executing the warrant who shall dispose of the property in accordance with such decision.

(10) The Police Officer executing the warrant shall, as soon as possible after the sale, produce the sale proceeds before the Court issuing the warrant, or if the property was sold under a Warrant endorsed by a District Magistrate (now Chief Judicial Magistrate) or Chief Presidency Magistrate (now Chief Metropolitan Magistrate) under section 387 of the Code (new section 422), in the Court of such Magistrate.

(11) Subject to the proviso to sub-section (1) of section 386 of the Code (new section 421), and subject also to section 70 of the Indian Penal Code, if, at any time

subsequent to the return of the warrant, the fine, or any part thereof, remains unpaid and the Court has reasonable grounds for believing that the offender has any movable property, it may issue a fresh warrant for the attachment and sale of such property in accordance with the Code and these rules."

200. Collection of fine.— A Court levying fine should attempt to collect the fine immediately and should not wait to take action until after the imprisonment has been undergone by the prisoner. If the Court considers it necessary to recover the fine amount after the imprisonment in default sentence has been undergone, it shall strictly comply with the proviso to sub-section (1) of section 421 of the Code by recording special reasons.

201. Payment of amount of compensation under section 357 of the Code.— The Court by which a fine or any portion of a fine has been awarded as compensation under section 357 of the Code shall, on the application of the person to whom such compensation has been awarded, grant an order in Judicial Form No.55 for payment of the amount awarded direct to the treasury to which such amount has been remitted, together with a certificate to the effect that either (1) the sentence and award are not subject to appeal or have been confirmed by the Appellate Court and that no order has been received from the Court of Revision modifying or reversing the order of compensation, or (2) where the order as to compensation has been modified in appeal or revision, that the payment order is in conformity with such modification, or (3) that the appeal time has expired and that no appeal has been preferred and that no order has been received from the Court of Revision modifying or reversing the order of compensation. The acknowledgment for issuance of the order

in the said Judicial Form No.55 shall be obtained in Administrative Form No.24 (Criminal Register No.24).

Note.— If the fine is imposed in a case which is subject to appeal, the order for payment shall not be granted till after the expiry of one or other of the periods specified in sub-section (2) of section 357 of the Code.

202. Certificates as to appeal.— In cases in which the Court awarding the compensation may be unable to certify whether an appeal has actually been preferred, the party desirous of obtaining payment of the amount of compensation in deposit, may apply to the Appellate Court to certify whether or not any appeal has been preferred, and on such application being made, the Appellate Court shall grant the required certificate.

203. Compensation otherwise than under section 357 of the Code.— Compensation awarded under sections 250 and 358 of the Code and compensation and all other sums recoverable like fines under any other provisions of law and not creditable to "Administration of Justice" shall be dealt with in the manner provided in the foregoing rules for compensation awarded under section 357 of the Code.

Provided that, if the order to pay such compensation or other sum is reversed or modified in appeal or revision, the payment order on the treasury shall be given to the party or parties entitled to draw the money.

CHAPTER - XXVI**RETURNS OF FINES****204. Rules for accounts of fines levied and refunded.—**

Rules for securing uniformity and accuracy in the accounts of fines levied and refunded by Magistrates and Courts of Session.

Explanation.- In these rules, "fine" includes money awarded as compensation and any other money recoverable by Court like a fine. "Judge" includes Sub-Judge and District Munsif. "Treasury" includes a Sub-Treasury and notified banks.

(A) GENERAL

(1) The account of fines imposed, levied and refunded shall be kept in the form prescribed as Administrative Form No.25 (Criminal Register No.25.)

(2) The Register shall be kept in Courts whenever the Judge or Magistrate is sitting and each fine shall be recorded in it as soon as it is imposed and the entries shall at once be initialled by the Judge or Magistrate in Column 8.

(3) Money paid towards fine shall be received by the Clerk authorized for the purpose in the presence of the Judge or the Magistrate. Acquittance receipts in Administrative Form No.49 shall invariably be granted and signed by the Judge or the Magistrate himself, who, while signing them, shall initial the record of payment in column 11 of the Fine Register in the said Administrative Form No.25 (Criminal Register No.25). Each Judge or Magistrate shall make remittances to one treasury only.

(4) In the Metropolitan Magistrate Courts, after the fine is imposed by the Magistrate, the same shall be remitted to the Cashier who shall make necessary entries in the said Administrative Form No.25 and issue acquittance receipt in the said Administrative Form No.49. The fine so collected shall be remitted to the Reserve Bank of India in Administrative Form No.54.

(5) All fines received by the Courts shall be remitted without delay and not later than the next working day.

(6) When fines are remitted to a treasury, a remittance book in the shape of cheque book in revised Administrative Form No.44 with each page consecutively numbered and divided by perforated lines into three parts shall be used, and the amount of the remittance with necessary details entered in each part. The first part shall remain with the Judge or the Magistrate in the book. The second and third parts shall be sent to the treasury, the second part to be kept in the treasury for account purposes and the third part to be signed by the Treasury Officer and returned to the Judge or the Magistrate as a receipt.

(7) When the receipt is returned by the Treasury Officer to the Judge or the Magistrate, it shall be affixed to the counterfoil and the fact of remittance recorded immediately in the fine register and the entries regarding it initialled by the Judge or the Magistrate in column (17).

(8) All fines realized by Courts will be finally credited to Government Account. Grants *in lieu* of the various classes of fines realised by Courts shall be paid by the Government to the local

authorities or private bodies concerned, including Village and Forest Panchayats and Societies for the Prevention of Cruelty to Animals, as laid down in Article 306, Tamil Nadu Financial Code, Volume I. The Government of Union of Territory of Puducherry shall follow the extant rules applicable to them.

(B) THE MONTHLY STATEMENT

(1) On the last day of each month, the Magistrate shall transmit to the Chief Judicial Magistrate/Chief Metropolitan Magistrate, a monthly statement in Administrative Form No.36 showing the amount of fines imposed, levied and written off for the treasury month as hereafter explained. The Chief Judicial Magistrates / Chief Metropolitan Magistrate shall review the monthly progress made in the collection of fines.

(2) Subordinate Judges and District Munsifs shall, on the last day of each month, transmit similar statements to the District and Sessions Judge.

(3) To effect an agreement between the figures in the monthly statement and the sums credited in the treasury accounts, each Judge's or Magistrate's fine register and monthly fine statement shall be made up not for the calendar month but for the treasury month of the treasury with which he deals.

(4) Cases in which sanction to write off irrecoverable fines is required shall also be shown in Administrative Form No.38 to be printed on the back of the said Administrative Form No.36. The Judge or Magistrate shall write with his own hand, the total of the amount to

be written off in words as well as in figures. When any fine remains uncollected for three months, details shall be given below the statement of irrecoverable fines with an explanation as to why it remains uncollected or why it is not proposed to treat it as irrecoverable.

(5) The Treasury Officer shall verify the amounts shown in the monthly fine statement remitted to the Treasury and if they agree with his accounts, sign a certificate to that effect and send it to the Chief Judicial Magistrate or District and Sessions Judge, as the case may be.

(6) For the purposes of the statement prescribed by these rules, a Court realising a fine imposed by another Court shall treat it as if it had been imposed by itself, sending notice of the recovery to the Court which inflicted the fine.

(C) COMPENSATION

(1) At the conclusion of the trial, if the Magistrate decides to take action under section 250 of the Code, he shall call upon the complainant, if he be present, to show cause why he should not be ordered to pay compensation under the section. If the complainant be not present, the Magistrate shall issue notice to him to appear on the day fixed for delivery of judgment to show cause why payment of compensation should not be ordered. If the complainant cannot be served with notice within a reasonable time or appears to be keeping out of the way, or having been served with notice, fails to appear on the appointed day, the Magistrate may proceed *ex parte* and make an order under section 249 of the Code, if he deems fit to do so.

(2) Compensation awarded under sections 250, 357 and 358 of the Code and compensation and all other sums recoverable like fines which cannot be entered in columns (4) and (5), shall be entered in column (7) of Administrative Form No.25 (Criminal Register No.25) and the collection of such amount shall be entered in column (15).

(3) These amounts shall be retained in deposit in the treasury, subject to the order of the Court awarding the compensation or of the Court of Appeal or Revision. The particulars of such amounts shall be entered in Administrative Form No.35 (Criminal Register No.35).

(4) The amount retained in deposit under the last preceding rules shall be paid to the party entitled to the compensation or other sum on such party producing before the Treasury Officer a payment order in Judicial Form No.55, together with a certificate to the effect that either (1) the sentence and award or other order are not subject to appeal or has been confirmed by the Appellate Court and that no order has been received from the Court of Revision modifying or reversing the order of compensation; or (2) where the order as to compensation or other sum has been modified in appeal or revision, that the payment order is in conformity with such modification; or (3) that the appeal time has expired and that no appeal has been preferred and that no order has been received from the Court of Revision modifying or reversing the order. If in the case of compensation awarded under sections 250 and 358 of the Code, or other sums recoverable like fines, the order to pay such compensation or other sum is reversed or modified in appeal or revision, the payment order on the treasury shall be given to the party or parties entitled to draw the money.

(5) When the compensation is awarded by a Court of Appeal and has to be paid out of a fine already credited to the Government, the amount of compensation shall, for purposes of the treasury account, be treated as a magisterial refund and entered accordingly in the said Administrative Form No.25 (Criminal Register No.25).

(6) Taxes and dues which have to be credited to local bodies shall be treated in the same manner, but shall be credited at the treasury at once to the local body concerned. If the Court's order is subsequently reversed, the refund of the tax or due shall be debited to Municipal or Local Funds, as the case may be.

(D) CONSOLIDATED STATEMENT

(1) The returns received from the Magistrates in the said Administrative Form No.36 shall be compiled by the Principal District Judge or District Judge, as the case may be, into a consolidated statement including the figures for his own Court in the same form and transmitted to the District Treasury Officer.

(2) Similarly, the returns received from Civil Judges (Senior Division) and Civil Judges shall be compiled in the District and Sessions Court with the fines, if any, relating to that Court and the consolidated statement shall be transmitted to the District Treasury Officer.

(3) The consolidated statement shall be forwarded to the District Treasury Officer as soon as possible after the beginning of the month.

(4) The consolidated statement shall be verified with the treasury accounts by the District Treasury Officer and the Principal District Judge or District Judge, as the case may be. If any difference is discovered between the consolidated statement and the treasury accounts, the same shall be reconciled.

205. Register of fines.— (1) The items in the register of fines in the said Administrative Form No.25 levied and refunded shall be numbered serially calendar yearwise and the same shall be noted in the Register of Appeal Cases Received in Administrative Form No.2, Register of Sessions Cases Received and Disposed Of in Administrative Form No.1, Register of Revision Cases entertained in Administrative Form No.3, Register of Calendar and Preliminary Register Cases Received in Administrative Form No.4, Register of Summary Trials in Administrative Form No.32, Register of Miscellaneous and Maintenance Cases Received in Administrative Form No.5, etc. for cross reference.

(2) The entire fine imposed by the Special Judicial Magistrate/Special Metropolitan Magistrate in respect of offences of ticketless travel and offences falling under the Railways Act, 1989, (Central Act 24 of 1989) shall be credited to the account of the railway administration and the fines collected in cases relating to Railways by other Courts in the State shall be remitted to the account of the State Government.

(3) Fines imposed and realised by the Court under various Industrial and Labour laws shall be credited to the head of Labour Welfare Fund.

206. Lapsed deposits.— (1) (a) On or before the 5th January of each year, the Head Ministerial Officer of every Court shall prepare a statement of all deposits not exceeding Rs.500/- which have remained unclaimed for one whole year ending with the 31st December of the previous year and balance not exceeding Rs.500/- of deposits partly repaid during that year and shall submit it to the Sessions Judge or Magistrate for his orders.

(b) With the sanction of the Sessions Judge or the Magistrate, which may be given without notice to the depositors, or to the persons to whose credit the sums may have been paid in or deposited, all sums included in the abovesaid statement shall be treated as lapsed deposits, and carried to the credit of the Government:

Provided, however, that the Sessions Judge or the Magistrate may, for reasons to be recorded in writing, sanction the retention in deposit of any sum mentioned in the statement.

(2) All sums other than those mentioned in sub-rule (1) paid into or deposited in the Court may be credited to the Government with the sanction of the Sessions Judge or the Magistrate, if they have remained unclaimed for four full years and if a notice had been issued in respect of them in the manner hereinafter prescribed.

Note:

The four complete years referred to in this sub-rule shall be computed with reference to the date of the last payment and not from the date of the original deposit.

(3) On or before the 15th October of each year, the Head Ministerial Officer of every Court shall prepare a statement of sums which are liable to be credited to the Government as lapsed deposit on the 1st January of the succeeding year under the operation of sub-rule (2).

Note:

(i) In preparing the statement, the sums should be entered in chronological order and separate totals should be given for deposits relating to different year.

(ii) Sums which have been attached or which form the subject of claim or a proceeding should not be included in the statement of deposits liable to be credited to the Government. Only such deposits as are unclaimed should be included.

(iii) Unclaimed deposits belonging to minors should be treated in the same way as other unclaimed deposits and in preparing the annual statement of lapsed deposit, they should be entered therein like the others.

(4) The Sessions Judge or the Magistrate shall pass orders with respect to the sums entered in the said statement and may direct that with such exceptions, if any, as he may deem proper, they be treated as lapsed deposits.

(5) (a) On or before 1st November of each year, the statement of all the sums which are liable to be credited to the Government on the 1st January of the succeeding year shall be prepared and got published in the next ordinary issue of the District Gazette with a notice that unless the parties interested claim them on or before the 10th March of the succeeding year, they will be credited to the Government, on or before the 1st November. A copy of the aforesaid statement and notice shall be exhibited on the notice board of the Court and another copy shall also be sent to the Bar Association of the station where the Court is located for being exhibited on its notice board.

Illustration: On 1st November 2017, the statement of all the sums which are liable to be credited to the Government on 1st January 2018 shall be prepared and got published in the next ordinary issue of the District Gazette with a notice that unless the parties interested claim

them on or before 10th March 2018, they will be credited to the Government on or before 1st November 2018.

(b) For the purpose of publication as aforesaid in the District Gazette, the statement shall be legibly prepared and shall be sent to the Press in time for being published in the next issue of the District Gazette.

(c) Particulars shall be given in the aforesaid statements as to—

- (i) Number of case or proceeding in the Court;
- (ii) Date of deposit and challan or T.R. Number;
- (iii) The nature of the deposits;
- (iv) Amount; and
- (v) To whom due, ranks of the parties and the names of their advocates.

(6) The particulars published in the District Gazette and in the notice board of the Court as aforesaid shall be carefully compared with those in the statement on record in the Court, and the Sessions Judge or Magistrate shall, on or before the 15th March of each year, certify to the Treasury Officer, the sums which have to be credited to the Government as per sub-rule (5) and in respect of which, there has been no mistake or discrepancy in the publication. He shall similarly certify the sums which have to be credited to the Government as per sub-rule (1).

207. Applications for refund of lapsed deposits.— (1) After the lapsed deposits have been credited to the Government, bill ought not to be drawn against these deposits, but when necessary, applications shall be made in Form No.65 of the Tamil Nadu Treasury Code [C and P.65] to the Accountant General, through the Treasury Officer concerned, so that he may note the Treasury numbers of the deposits, thereon.

(2) Applications for refund of lapsed deposits shall, in the first instance, be made to the Court which remitted the deposits and shall, in case where the application is presented after 6 months after the date on which the amount lapsed to the Government, be stamped with a Court-fee stamp of the value prescribed in the Tamil Nadu Court Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955) or Puducherry Court Fees and Suits Valuation Act, 1972 (Puducherry Act 2 of 1973), as the case may be.

(3) Lapsed deposit credited to the Government, may be refunded on the authority of the Officer by whom the deposit was remitted.

(4) At the end of each official year, the Sessions Judge or the Magistrate should furnish to the Treasury Officers, two statements of lapsed deposits specifying dates of receipt, number of the deposit and the balance at credit. One statement should include deposits not exceeding Rs.500/- unclaimed for one whole account year and balances not exceeding Rs.500/- of deposit partly repaid during that year and the other statement should include all items exceeding Rs.500/- which have not been claimed for more than four complete years, with certificates to the effect that the sanction of the Judge or Magistrate has been obtained for the items shown therein being credited to the Government.

Note:

(1) For the purpose of these rules, "deposit" includes compensation amount, paid or collected under sections 357 and 358 of the Code.

(2) The Revenue Receipt for Judicial Department shall be credited in the newly created Data Processing Code *vide* High Court's R.O.P. No.03/2019/Bud-III dated 22.03.2019 as given in the Annexure to these Rules.

(3) In the Union Territory of Puducherry, the lapsed deposits may be credited in accordance with the extant rules applicable there.

CHAPTER – XXVII**NOTIFICATION OF RESIDENCE BY RELEASED CONVICTS**

208. Notification of residence.— When an order has been passed under section 356 of the Code, that a convict shall notify his residence and any change of residence after release for a specified term, the Court or Magistrate passing such order, shall enter a record thereof in the warrant of commitment issued under section 418 of the Code in respect of such convict in Judicial Form Nos. 45 and 29.

CHAPTER - XXVIII**CERTIFIED COPIES**

209. Application for copies by a party.— Every application for a copy of judgment or order or proceedings (including docket order) or deposition of witnesses or original document filed in or in the custody of a Court shall be presented by the applicant or his advocate and shall set out the case or proceeding number, if any, the name of the applicant, his position in the case or proceeding as the case may be, the name of the advocate, if any, and description of the proceeding or document of which a copy is required.

210. Application for copies by third parties.— Application for the grant of copies of judgment or order or any proceeding or document in the custody of a Court by a third party to the proceeding shall be allowed only by order of the Court obtained on a petition supported by an affidavit setting forth the purpose for which the copy is required.

211. Return of defective applications.— Any application not complying with the requirements of these rules shall be returned for being re-presented after rectifying the defects within a period not exceeding seven days.

212. Urgent application for copies.— Application for urgent copies shall be by a separate urgent application setting forth the grounds of urgency.

213. Copies of non-judicial and confidential papers.—

Copies of correspondence or of proceedings which are confidential or which are not strictly judicial, shall not be granted, except under the order of the Court.

214. Application for more than one document.—

A single application may pray for copies of more than one document or proceeding in the same case.

215. Striking off of defective applications.—

When applications are returned for rectification of defects, a limit of seven days shall be fixed for their re-presentation. Defective applications which are not taken back by the parties or not re-presented within the period specified above, shall be struck off by the Head Ministerial Officer.

216. Notes of evidence when to be given.—

Where the notes of the Presiding Officer form the only record of the evidence, copies of such notes may be given in typed format.

217. Procedure when documents for which copies are applied for are in another Court.—

If the records of a case or the documents of which a copy is applied for, have been sent to another Court, the application for the copy shall be returned for presentation to the said Court.

218. Order in which applications should be complied with.— The preparation of copies shall be in accordance with the serial order of application *vide* Administrative Form No.17 except in cases where an urgent application has been filed and allowed.

219. Calling for stamp papers.— Everyday between 03.00 p.m. and 05.00 p.m., a list showing the applications in which records have been received and number of stamp papers required shall be affixed to the notice board of the Copying Section. Such list shall remain thereon for three days and, if the last day is a holiday, till the next working day. Within the time, the applicant shall supply stamp papers called for, failing which, the application shall be struck off.

220. Additional stamp papers.— Whenever additional stamp papers are found necessary, they shall be called for and supplied in the same manner as in the preceding rule.

221. Copying charges.— (1) Copying charges shall be called for and supplied in the shape of copy stamp papers calculated at the rate of one stamp paper of One Rupee for every 175 words or fraction thereof:

Provided that, instead of furnishing copy stamp papers, a party may furnish foolscap paper of durable quality with the requisite Court fee stamps affixed on each sheet and the rules applicable to the preparation of copies on stamp papers shall apply:

Provided further that in the case of photostat copies, charges shall be called for and supplied in the shape of adhesive Court-fee stamps at the rate of two rupees per page:

Provided also that affixed stamps shall be cancelled by punching out the insignia at the time of certifying the copy.

(2) Four numeral figures shall be taken as equivalent to one word. Words in Indian languages with short suffixes and inflections shall be counted as a single word for the purpose of this rule.

(3) In granting copies of records, each statement, account, report, petition, order and the like shall be treated as a separate document and shall be written on separate stamp papers.

(4) Computer print outs of the deposition of witness can be furnished to the prosecution free of cost and to the defence on payment of Rs.2/- per page in the shape of Court fee, immediately after the deposition is countersigned by the Presiding Officer.

222. Production of stamp papers.— The person producing the stamp papers for copies shall make an endorsement on the copy application showing the number of stamp papers produced and the Head Ministerial Officer or such other officer, as the Court may direct, shall initial and date the same in token of receipt.

223. Transcription of copies.— (1) Copies must be transcribed on the side of the paper which bears the stamp and a margin of 2.5 centimetres shall be left on the left hand side. The pages of the copy shall be consecutively numbered and each page must be initialled at the foot by the Copyist and the Head Ministerial Officer and the last page signed by the Head Ministerial Officer,

Reader and Copyist. There shall be no erasures. When a correction has been made in the copy, the incorrect word shall be struck through a line in ink across the word and the correct word written as an interlineation in the copy and shall also state at the foot of each page, the number of alterations and interlineations made therein. The pages in the original shall be indicated in the copy also before the matter is transcribed and, where there is no pagination, the number of the sheet copies must be indicated.

(2) The transcribed copies shall be compared by the Head Ministerial Officer or by such officer as the Court shall direct, or by a Copyist, but, in no case shall a copy be read to the Head Ministerial Officer or other officer or the examination in any way assisted in by the Copyist who prepared the copy.

(3) In the case of a copy for which the production of non-judicial stamp papers of a particular denomination is required, the said stamp papers or paper supplied for the purpose shall be used for copying and shall be written on, in the same manner as copy stamp papers, copy stamp papers being furnished to make up any deficiency. Adhesive Court fee label of the value of one rupee shall be affixed to each such non-judicial stamp paper.

(4) The Court may, if found suitable, grant photocopies, secured by mechanised process, of judgements and orders made or depositions recorded in a proceeding, or copies of documents filed in or in the custody of the Court, on payment of charges in the shape of Court fees stamps @ Rs.2/- per page or part thereof per copy.

224. Copies of maps, plans, etc.— When copies applied for are of maps, plans, genealogical trees and tabular matters which cannot be copied on ordinary stamp paper, they shall be prepared on plain paper and skilled labour may be employed for that purpose, if necessary. A reasonable fee shall, in each case, be fixed by the Court and deposited in cash by the party concerned. Three-fourths of such amount shall be paid to the person employed in preparing the copy and the remaining shall be credited to the Government. A separate register in Administrative Form No.62 shall be maintained in each Magistrate Court for payment of plan fees to Copyist.

225. Sealing and Certificate.— All copies furnished by the Court shall be certified to be true copies by the Head Ministerial Officer or officer appointed for the purpose and shall be sealed with the seal of the Court as required by section 76 of the Evidence Act, 1872 (Central Act 1 of 1872).

226. Endorsement on copies.— Every copy shall bear an endorsement initialled by the Head Ministerial Officer or other officer appointed for the purpose showing the following particulars, viz.,:-

- (i) Application made on:
- (ii) Stamp papers (or charges) called for on:
- (iii) Stamp papers (or charges) deposited on:
- (iv) Copy ready on:
- (v) Copy delivered on:

227. Incomplete copies to be destroyed.— Incomplete copies shall be destroyed after six months from the date on which the application is struck off. But, the incomplete copy may be completed, if the necessary additional stamp papers are produced and, if an order of the Court is obtained for such completion on a petition

presented within six months from the date on which the application was struck off.

COPIES

228. Uncertified copies not to be granted.— No copies of, or extracts from, the record of any proceedings of any Court subordinate to the High Court shall be issued unless certified to be true by the proper officer of the Court. This rule shall not apply to copies of extracts granted to prisoner in confinement under any order passed in such proceedings for the purpose of appeal or application for revision.

229. Scale of search fees.— When the document applied for belongs to a year previous to the current calendar year, a search fee, in Court-fee stamps, according to the sub-joined scale, shall be affixed to the application:-

(1) When the document belongs to any year prior to the Calendar year, but is not more than 10 years old -	Rs. P.
(i) Fee payable for the first document or entry applied for or if only one document or entry is applied for, then for that document or entry.	10.00
(ii) Fee payable for every document or entry other than the first included in the same application and connected with the same subject.	5.00
(iii) When the applicant does not know to which of two or more years a document or entry belongs, the fee for searching the records of every year other than the first.	5.00

(2) When the document is more than 10 years old, but does not relate to any year prior to 1858.	Rs.P.
(i) Fee payable for the first document or entry applied for or if only one document or entry is applied for, then for that document or entry.	20.00
(ii) Fee payable for every document or entry other than the first included in the same application and connected with the same subject.	10.00
(iii) When the applicant does not know to which of two or more years a document or entry belongs, the fee for searching the records of every year other than the first.	10.00
(3) When the document belongs to a year prior to 1858:-	Rs.P.
(i) Fee payable for the document or entry applied for or if only one document or entry is applied for, then for that document or entry.	300.00
(ii) Fee payable for every document or entry other than the first included in the same application and connected with the same subject.	250.00
(iii) When the applicant does not know to which of two or more years a document or entry belongs, the fee for searching the records of every year other than the first.	400.00

Note: Only one search fee at the rate applicable to the documents need be paid for all papers filed together and forming a single record. For instance, if a person applies for all the depositions relating to a magisterial case, he needs to pay only one fee applicable to the whole record in which they are filed.

230. Notice of certified copies ready for delivery.— In all Courts, a list of certified copies ready for delivery shall be posted on the notice board and shall remain there for one week. The list shall state the numbers of the copy applications and the names of the persons to whom the copies are to be delivered. The list shall be affixed to the Court notice board immediately the Court opens on the following day. After the expiry of one week, the list shall be taken down and a note of such destruction made in the remarks column of the Copy Application Register against the item concerned. The unused

stamp papers should be sent to the local or nearest Sub-Treasury Officer.

231. Grant of certified copies of other documents.— (1)

Certified copies of the following documents shall be given to the accused on payment of necessary charges, before the filing of the final report (charge sheet) by the police:—

(i) Orders made on the remand report.

(ii) Affidavit filed by the police officer for police custody of the accused and the orders passed by the Magistrate thereon. Until the Magistrate passes the order for police custody, the accused is not entitled to a copy of that affidavit.

(iii) The accused, notwithstanding the communication of the full particulars in writing at the time of arrest or subsequent thereto, is entitled to a copy of the First Information Report even before the final report (charge sheet) is forwarded to the Magistrate under sub-section (2) of section 173 of the Code on application and on payment of charges. The accused is not entitled to certified copies of the inquest report, statements recorded under section 174 of the Code, post-mortem certificate, requisition by the police officer to the Medical Officer for conducting post-mortem and medically treating the injured, wound certificate, rough sketch of the scene of occurrence and observation mahazar prepared by the investigating officer before the final report (charge sheet) is filed.

(2) On the same principle, the statements of witnesses recorded under section 161 of the Code and copies of wound certificates shall not be given to the accused until the final report (charge sheet) is filed by the police.

(3) Certified copies of photocopies of unmarked documents shall not be given.

CHAPTER - XXIX
INSPECTION OF RECORDS OF COURT

232. Inspection by District Collector of Records of Court of Session.— Whenever a District Collector requires information with regard to the sessions trial in addition to that appearing in the finding and sentence of the Court of Session, he shall be at liberty, after giving due information to the Sessions Judge, to depute one of his Clerks, with an authorisation letter, to inspect the records and make copies or extracts of such parts thereof as appear material for the purposes which the District Collector may have in view, and the Sessions Judge shall permit such Clerk to inspect the records and take copies of extracts thereof. Every inspection of records under this Chapter shall be made within the precincts of the Court of Session in which the records are lodged and in the presence of an officer of the Court deputed by the Sessions Judge for the purpose. No record or a part of the record shall be removed by the inspecting officer from the precincts of the Court.

233. Inspection by police or prosecuting officer.— Whenever it shall appear to any police officer not below the rank of Sub-Inspector of Police, that an inspection of the records of any criminal trial or appeal will facilitate the detection or prevention of crime or is desired for examination of the conduct of police officers connected with the case and whenever the inspection of such records may be desired by a prosecuting officer, in the exercise of his duty as prosecuting officer, such officer or Public Prosecutor, as the case may be, may apply to the Sessions Judge or Presiding Magistrate of the Court in which the records are lodged for permission to inspect the same.

234. Procedure on application.— The application referred to in the preceding rule shall be made in writing and shall contain a description of the records and shall state the purpose for which the inspection is sought. The Sessions Judge or Magistrate may, in his discretion, grant or refuse the application. If the application is refused, the Sessions Judge or Magistrate shall record the reasons for such refusal and shall communicate a copy thereof to the Police Officer concerned or to the Public Prosecutor, as the case may be. If the application is granted, the Sessions Judge or Magistrate shall make arrangements for permitting the inspection to be conducted in accordance with the succeeding rule.

235. Conduct of inspection.— Every inspection of records under these rules shall be conducted by a police officer not below the rank of Sub-Inspector of Police, or, if the inspection is granted on the application of a prosecuting officer, then, by the prosecuting officer himself, and it shall take place within the precincts of the Court in which the records are lodged and in the presence of an officer of the Court who shall be deputed by the Sessions Judge or Magistrate for the purpose and no record or part of a record shall be removed by the inspecting Officer from the precincts of the Court.

236. Copies of relevant records to be supplied to the prosecuting officer.— Copies of relevant records in any criminal proceedings shall be supplied to the prosecuting officer on his application.

237. Inspection by officers of other departments.—

Subject to rules 233 to 235, the privilege of inspecting records in a criminal proceeding is extended to,—

(1) Officers of the Salt, Customs, Narcotics, Revenue and Enforcement, Assistant Inspectors and Inspectors of Excise so far as such records relate to their respective departments;

(2) Officers of the Income Tax Department including the Special Investigation Branch attached to it, not below the rank of Income Tax Inspectors duly authorized by the Income Tax Officers, in respect of records other than Police case diaries and reports and any confidential portion of such records; and

(3) Officers of the Co-operative Department duly authorized by the Registrar of Co-operative Societies or the Officers of the Co-operative Audit Department duly authorized by the Director of Co-operative Audit, so far as such records relate to the Co-operative Department or Co-operative Societies, in appropriate cases, except in cases where the offence is forgery.

Explanation: The Presiding Officer of the Court shall decide as to which is an appropriate case.

238. Taking extracts.— An Officer inspecting records under these rules can take only written extracts therefrom if he considers it necessary to do so.

239. Copies to Prison Department.— The Prison Department shall, however, be supplied with copies of judgments convicting the accused free of cost.

240. Copies to prosecuting officer.— (1) Copies of documents which are required by the prosecuting officer while the

trial or appeal is pending, should be made by the clerk of the Court of Session in-charge of the records or by someone working in his presence and under his immediate supervision. No charge should be made by the regular establishment of the Court. In cases where lengthy documents have to be copied and the work is done by the Copyist department, the cost of the copy stamp papers used for the same should be debited to the contingent allowances of the Courts issuing copies.

(2) Copies of relevant records in any criminal proceedings should be supplied to the prosecuting officer concerned on his application.

(3) Copies of calendars, judgments and other orders of Court shall be granted to Assistant Public Prosecutors on the same conditions as those mentioned in sub-rule (1).

CHAPTER - XXX**PRODUCTION, RETURN AND PRESERVATION OF RECORDS****PRODUCTION OF RECORDS****241. Production of records in the custody of a Court.— (1)**

An application for the production of records in the custody of a Court, shall specify the particular document required to be produced. Unless it is made to appear to the Court that the production of the original documents is necessary, the party shall be required to obtain and file copies thereof and the original shall not be sent for.

(2) When a Court finds it necessary to require the production of the records of another Court, it shall address a letter of request to the Presiding Judge of that Court.

(3) Where the document to be sent for by a Court either from its own records or from those of another Court is an Account Book, or other document not being a record [(e.g.) judgment, decree, written statements, etc.] which has to be in the custody of a Court and belongs to a person other than a party at whose instance it is sent for, the Court may require the party to deposit in Court before the letter of request is issued, such sum as it may consider necessary to meet the estimated cost of making a copy of the document when produced.

(4) When the letter of request is to be issued by the Court itself acting of its own motion, it shall be open to the Court to call upon either party to make the deposit as aforesaid.

(5) After the document has been admitted in evidence, the Court shall, unless it considers it necessary to retain the original, direct the parties to specify the portion or portions thereof on which they respectively rely, and require a copy to be made of the same at the expense of the party requiring such portion, and shall thereafter, with all convenient speed, return the original to the Court from which it was received, retaining the copies as part of the record.

242. Production of records in the custody of a Public Officer other than a Court.— (1) A summons for the production of records in the custody of the Public Officer other than a Court shall be in Judicial Form No.5 and shall be addressed to the Head of the Department concerned and in the case of summons to a District Registrar or a Sub-Registrar of Assurances, it shall be addressed to the Registrar or Sub- Registrar in whose office, or sub-office, as the case may be, the required records are kept. A summons for the production of revenue papers kept in any office in a district shall be in all cases be directed to the Collector of the District:

Provided that, where the summons is for the production of village accounts, including field measurement books, such summons shall be addressed to the Tahsildar or the Deputy Tahsildar in independent charge.

(2) Every application for such summons shall be made by an affidavit setting out,— (i) the document or documents the production of which is required; (ii) the relevancy of the document or documents; and (iii) in cases where the production of a certified copy or copies can be obtained, the result of such application.

(3) No Court shall issue such a summons unless it considers the production of the original is necessary or is satisfied that the application for a certified copy has been duly made and has not been granted. The Court shall, in every case, record its reasons in writing and shall require the applicant to deposit in Court, before the summons is issued, to abide by the order of the Court, such sum as it may consider necessary, to meet the estimated cost of making a copy of the document when produced.

(4) On production of the documents in obedience to the summons, the Court, unless it thinks it necessary to retain the original, shall direct a copy to be made at the expense of the applicant and shall, with all convenient speed, return the original retaining the copy.

(5) Unless the Court requires the production of the original, every such summons to a public officer shall state that he is at liberty to produce, instead of the original, a copy certified in the manner prescribed by section 76 of the Evidence Act, 1872 (Central Act 1 of 1872).

(6) Nothing contained in this rule shall prevent a Court of its own motion from issuing a summons for the production of public records or other documents in the custody of a Public Officer, if it thinks it necessary for the ends of justice to do so. The Court shall, in every case, record its reasons in writing.

243. Copies of public documents.— When a party to a proceeding seeks to obtain a certified copy of a public document for being filed into Court in that proceeding, he may apply to the Court

wherein the proceeding is pending for the issue of a certificate to enable him to obtain such copy from the appropriate authority, and the Court shall, on being *prima facie* satisfied that the production of the certified copy in the proceeding is necessary, issue to the applicant a certificate to that effect.

244. A list of records retained by a Court to be given to the producer.— Where records or documents produced from any Court or Public Officer are retained by the Court requiring their production, a receipt containing a descriptive list thereof shall be given to the officer producing them and a duplicate of the receipt shall be placed with the records or documents. Any apparent erasure or alteration in any paper shall be noted in the said list.

245. Summoning document from Parliament or Legislature.— (1) Summons for the production of a document in the custody of the House of Parliament or of a Legislature of a State shall be by letter of request as in Judicial Form No.4.

(2) No Court shall require production of the original document under sub-rule (1), unless it considers that such production is necessary in the interests of justice. Except where the Court considers that the production of the original document is necessary, the latter shall state that a certified copy may be produced instead of the original.

246. Records received to be opened in the presence of Judge or Magistrate.— When any records or official documents are received from any Court or public office, the same shall be opened in the presence of the Presiding Judge or Magistrate and the papers

compared with the list accompanying them. The instructions contained in rules 244 and 247 shall then be observed, as far as possible.

247. Records to be kept in packet sealed and labelled.—

The public records or documents shall, so long as they remain in the custody of Court which required their production, be kept in a sealed packet, properly labelled and the packet shall not be opened except in the presence of the Presiding Judge or Magistrate.

RETURN OF RECORDS

248. Return of records when no longer required.—

Whenever it shall appear that any public documents received from any Court or Public Office are no longer required, they shall be returned to such Court or Office with a descriptive list in a sealed packet. If necessary, certified photocopies of the documents may be retained in the case bundle.

249. Application to be made for return of documents.—

Application from parties or other persons for the return of documents filed in Courts shall be made to the Court in which they were originally filed. If application is made for document which has been transmitted to another Court, the Court in which the document was originally filed shall itself apply for the transmission of the document and on receipt, shall return it to the applicant:

Provided that no document shall be returned unless the Judge or Magistrate is satisfied that it will not be required for reference in proceedings pending either before his own Court or the Court of Appeal or Revision.

PRESERVATION OF RECORDS

250. Custody of records.— A Sessions Judge should not permit the original records of criminal trials in his Court to leave his custody except in accordance with the express provisions of law, save as provided in rules 233 to 238. Any person not legally competent to demand production of the originals, whether an official in the Government service or a private individual, should, if he wishes to examine the record, be required to apply for and obtain certified copies in accordance with the rules made in that behalf.

CHAPTER - XXXI**SUBMISSION OF RECORDS AND
MATERIAL OBJECTS TO THE HIGH COURT**

251. Submission of records and material objects.— The Court shall see that the records called for by the High Court are submitted promptly. Any delay shall be explained in the letter advising despatch of the records. The following cases shall be treated as urgent:—

- (i) Reference under section 366 of the Code;
- (ii) Appeal against acquittal in which the accused are re-arrested and are in custody;
- (iii) Criminal Revision cases in which notice of enhancement of sentence has been issued and the accused are in prison on short sentences;
- (iv) Criminal Appeals and Revision Cases in which bail is refused and accused are in prison on short sentences; and
- (v) Criminal Appeals and Revision Cases where stay of proceedings in any criminal case is ordered pending their disposal.

252. Records to be submitted to the High Court.— (1) The following records shall be submitted to the High Court in all cases of appeals or revisions against the judgment of a Sessions Court, other than judgment on appeal to the Court of Session:-

- (i) The entire Sessions record; and
- (ii) The entire magisterial record.

(2) In cases of appeals not already provided for and in cases of revision -

- (i) The material part of case record including an extract from the diary;
- (ii) The material part of the appellate case record, if any.

(3) The words "entire Sessions record" include the charge, plea of the accused, the evidence (oral and documentary), the statement of the accused under section 313 of the Code and the judgment.

(4) The words "entire Magisterial record" include an extract from the diary, Register of Preliminary Enquiry, Police occurrence Reports, mahazars and Village Administrative Officer's reports, and Proceedings (if any) before any Magistrate other than the Committing Magistrate who may have dealt with the case, but do not include so much of the Magisterial Record as may have been incorporated in the record of the Court of Session.

(5) The covering letter for all records shall be sent separately from them by post. Any delay in submitting the records shall be explained in the covering letter advising despatch of records. It shall state when and how and in how many separate files, the records are despatched.

(6) In every case sent up to the High Court,—

(i) the records in English and in the regional language, - the English part of Sessions record, if any, including translations,

(ii) the part of the Sessions record in the regional language, if any;

(iii) the English part of the Magisterial record including translation; and

(iv) the part of the Magisterial record in the regional language

shall be bound and indexed separately. The indexing in respect of records specified in clauses (i) and (ii) of sub-rule (6), shall be made in Judicial Form Nos.63 and 65, respectively.

(7) Eight spare copies of judgment in cases referred under section 366 of the Code and six copies in other Sessions trials should be sent with the record. They should not be paged and entered in the index, but should be kept separate from the record.

(8) The docket on the fly-leaf of all records and the covering letter should specify the number of the case on the lower Court's file and the number of the appeal or revision case or petition on High Court's file.

Note: The fly-leaf shall be of sufficient thickness and of foolscap size.

(9) The calendar, translations, copies, notes of evidence, *etc.*, shall, wherever possible, be written on foolscap paper of sufficient substance.

(10) (i) Every record shall, before despatch to the High Court, be examined and certified as complete in accordance with the foregoing rules by the Head Ministerial Officer of the Court forwarding it.

(ii) Where copies of depositions, verified as to accuracy or not, are made out for the use of the Judge or for any other purpose and are available, they shall be submitted to the High Court with the records to facilitate printing or typing of the evidence, if necessary. Indication shall, however, be given in the covering letter or in some prominent place in the copies themselves to show whether the copies are accurate or whether they require to be compared with original.

(11) When an accused files a written statement at the time of his examination under section 313 of the Code, it shall be stitched along with the statement and kept in the bundle.

(12) While sending the records to the High Court for reference in appeals, the statement under section 313 of the Code and the written statement shall also be submitted.

(13) While submitting records to the High Court, the Presiding Officers shall pay more attention to submit all important material records such as First Information Report, charge sheet, statement of accused, charges framed by Courts, deposition of prosecution side and connected exhibits, deposition of defence side and exhibits, judgments of the trial Court and any other relevant records.

(14) Whenever the case records for appeals/revisions are submitted to the High Court by the Sessions Judges or the Chief Judicial Magistrates, the consolidated period of detention undergone by the accused in such cases before them as also before the Magistrates, both as under-trial prisoner and as convict, shall be furnished as a separate annexure to the judgment in the Sessions Cases or appeals.

(15) The Registry of High Court shall call for records from the subordinate Courts in Judicial Form No.76 in case of Criminal Appeals and in Judicial Form No.77 in case of Criminal Revision Cases. While sending the original case records, the Courts shall also send all the documents like charges, deposition of witnesses, statement under section 313 of the Code and judgment, if available, as soft copy by email to the High Court. The Courts may send photocopy of the

material records duly certified in all pages by an official not below the rank of Head Clerk of the Court concerned to be true photocopy. In a case where the original record has been specifically called for, the Court concerned shall send the same along with a photocopy of it duly certified by an official not below the rank of Head Clerk. The original record shall be returned after perusal by the Judge concerned, retaining the certified photocopy of it.

253. Index, how to be filled up.— In filling up the indices accompanying records of criminal cases, care shall be taken to give the names of the witnesses in full and indicate within brackets, after the names, their official designation, if any.

254. Material objects.— (1) When a reference is made to or notice of an appeal or revision is received from the High Court, the Judge shall determine whether any or which of the material objects marked as exhibits in the case shall be sent to the High Court, and in exercising his discretion, he shall consider whether the object can be conveniently submitted and whether an inspection thereof will assist the High Court.

(2) Courts of Session shall enclose with the records in Sessions Cases submitted to the High Court, a list of material objects in Judicial Form No.64.

255. Note to be made if any material object is retained.— In every case in which any material object is retained, the order of the Judge directing such retention shall form part of the record submitted to the High Court.

256. Return of received articles.— Articles received from the lower Courts shall be returned along with the records within 90 days from the date of disposal of the case:

Provided that such of the articles as may be required for the Police Training School Museum shall be returned to the District Superintendent of Police of the district concerned at his request after the appeal time has expired.

CHAPTER - XXXII

DISPOSAL OF PROPERTY

257. Return of properties pending enquiry.— (1) Subject to the procedure laid down in special statutes, the Court may give custody of jewels, vehicles, cash and other articles under section 451 of the Code, to competent claimants without imposing onerous conditions. It is not necessary in all cases to impose a condition that the property shall be preserved and produced as and when required. A panchanama in Judicial Form No.82 may be prepared by the Court and such panchanama can be used in evidence. Photographs may also be taken and certified under section 65-B of the Evidence Act, 1872 (Central Act 1 of 1872) and such photographs may be used as secondary evidence.

(2) In respect of vehicles, if they are not claimed by the accused, owner or by a third party, the Insurance Company shall be informed by the Court to take possession of the vehicles. Despite such information, if the Insurance Company does not take possession of the vehicles, the vehicles shall be ordered to be auctioned as per rule 261 within a period of six months from the date of production of the said vehicles before the Court. Before handing over possession of such vehicles, photographs of the same shall be taken and certified under section 65-B of the said Central Act 1 of 1872 and a detailed panchanama in the said Judicial Form No.82 also be prepared.

(3) Seized idols shall be photographed and after drawing the panchanama in the said Judicial Form No.82, the same shall be handed over to the nearest Government museum and the said fact shall be intimated directly to the Secretary to Government, Tourism, Culture and Religious Endowment Department, Fort St. George, Chennai – 600 009 or Secretary to Government, Revenue/Hindu Religious Institutions, Art and Culture Department, Puducherry, as the case may be, with a copy of the said communication to the High Court for information.

(4) Seized animals shall be kept in the nearest animal shelter until appropriate orders are passed with regard to their interim custody. The cost of maintenance of the seized animals shall be borne by the person claiming custody of the same.

(5) The material objects produced by the police which are subject to decay, shall be destroyed after taking photos and certifying the same under section 65-B of the said Central Act 1 of 1872. A detailed panchanama in this regard shall also be prepared.

258. Disposal of counterfeit coins and forged currency notes.— (1) When counterfeit coins have to be disposed of by a Court under sections 452, 457 or 458 of the Code, they shall be forwarded together with any dyes, moulds, *etc.*, which may have been produced in the case, to the nearest treasury or sub-treasury with a request that they may be remitted to the mint for examination. A concise and accurate report shall also be sent containing a description of the case and the sentence imposed.

(2) In the case of forgery of currency notes, the disposal of implements, such as moulds, dyes, *etc.*, produced in, and confiscated by a Court of law, is a matter for the decision of the Court which tries the case; and when they are ordered by the Court to be delivered to the police for destruction, the police shall themselves arrange for their destruction and not send them to the currency offices or mints for destruction, provided that, if the police consider any particular implements are of special interest and should be preserved, they shall make them over to the Criminal Investigation Department for this purpose.

(3) All forged currency notes brought before the Court shall be handed over to the police for being forwarded to the Issue Department of the Reserve Bank of India, with a brief report of the case.

259. Implements, e.g., moulds, dyes, *etc.*, to be destroyed by the police.— In all appealable cases, the disposal of counterfeit coins, forged currency notes and implements such as moulds and dyes, in accordance with the previous rule, shall be deferred till the period of time allowed for preferring an appeal expires and in the event of appeal, until it is disposed of.

260. Disposal of excisable goods in Court custody.— In the case of excisable goods held in the custody of Court, notice of the date of auction or other method of disposal shall be issued to the Excise authority concerned requiring such authority to arrange for the collection of the duty leviable, if any, on the goods and for issue of a transport permit where necessary. The Excise authority may also be required to satisfy itself that the purchaser in auction or otherwise is licensed to deal in such goods.

261. Disposal of properties liable for confiscation.— The Sessions Judge shall hand over all the properties, other than the properties mentioned in the foregoing rules, that are liable for confiscation, lying in the Courts within the Sessions Division, to the Collector of the District, who shall accept and dispose the same in accordance with the rules framed by the Government, from time to time. Before handing over a confiscated property, the Sessions Judge shall ensure that there is no appeal or revision pending in respect of the case.

262. Destruction of properties.— Subject to the above rules, a Court shall hand over all other properties that are liable for destruction, to the investigating agency of the case for destruction and filing of report. Before handing over a property liable for destruction, the Court shall ensure that there is no appeal or revision pending in respect of the case.

263. When material objects are to be disposed.— (1) The material objects exhibited at the trial of criminal cases should be retained by the Court until the Court is satisfied that the appeal time has expired and that no appeal has been presented or that any appeal presented has been disposed of. But, when a case is disposed of by the High Court, the material object shall ordinarily be disposed of by the lower Court after the expiry of 90 days from the date of judgment of the High Court, unless in the meantime, the parties interested have, on a proper application, obtained a direction from the High Court for preservation of such objects, pending disposal of an application for leave to appeal to the Supreme Court under sub-clause (c) of clause (1) of Article 134 of the Constitution of India, or a Special Leave Petition; or intimation of appeal preferred to the Supreme Court of India under sub-clauses (a) and (b) of clause (1) of Article 134 of the Constitution is received. After that, they may be destroyed or otherwise disposed of according to these Rules:

Provided that in a Sessions Case where the material object confiscated is a weapon, other than a fire arm or ammunition, and is in the opinion of the Sessions Judge of a most unusual character or of special interest in the light of the facts of the case, it shall be ascertained by reference to the Professor of Medical Jurisprudence of the Medical College, Chennai and the Principal of the Police Training School concerned, whether it is required for the Medico Legal Museum of the College or for the Police Museum in the School. The weapon shall be destroyed only if it is not so required. If it is so required, it shall be sent either to the Professor of Medical Jurisprudence or the Principal, Police Training School. The former shall, however, have priority over the latter in respect of weapons for which there is a demand from both of them:

Provided further that such of the material objects as may be required for the Police Training School Museum shall be returned to the Superintendent of Police of the district concerned at their request after the appeal time has expired.

(2) The Court of Session, before destroying the material objects, shall ensure that no appeal or petition against the Sessions Case has been filed and pending, –

(i) by addressing the High Court and ascertaining whether any appeal or petition had been preferred and getting a reply from the High Court that no appeal or petition had been preferred or presented or an appeal or petition, if preferred or presented, is pending and also waiting for another three months from the date of communication;

(ii) by addressing the police station concerned and ascertaining in writing from the police that no appeal or petition is preferred and presented or pending;

(iii) by addressing the accused through the Superintendent of Prison concerned whether he had preferred or intends to prefer an appeal or petition and getting a reply from the accused concerned.

(3) Whenever it is decided by the Court that fire arms and ammunition such as bullets, bombs and other explosive materials involved in the cases are to be destroyed, instead of directing their destruction, the same shall be handed over to the Commissioner of Police or Superintendent of Police of the District, as the case may be, under due acknowledgment.

CHAPTER - XXXIII**DESTRUCTION OF CASE RECORDS**

264. Destruction of case records.— (1) An index in Administrative Form No.46, shall be put up with the record of every case of its first institution and each paper as it is filed with the records shall be entered in such index.

(2) Every record shall, after its completion and immediately before it is deposited in the record room, be divided into parts as shown in the table given in Part B in the said Administrative Form No.46 and to facilitate this division, each paper, shall, so soon as it is filed with the record, be numbered and marked off in the index as appertaining to one or another of such parts.

(3) Other documents which have been produced by parties, but, have either not been tendered in evidence, or, having been tendered in evidence, have been rejected, shall be kept apart from the record of the case or other proceeding to which they belong and shall, if not reclaimed by the party who produced them, be retained in the Court in which they were produced for a period of one year from the date of the final order of the Court in the case or proceeding in which the documents were produced and shall, at the expiration of that period, be destroyed in the manner prescribed by sub-rule (9) of this rule:

Provided that notice of destruction shall be given in the manner prescribed by sub-rule (11) of this rule, in the months of January to July succeeding the date of expiry of the period of one year referred to in this rule and also by affixing to the notice-board of the Court (at the time of publication in the Gazette) a copy of the notice published in the District Gazette. Sub-rule (12) of this rule shall not apply to such documents.

(4) No application is necessary for the return of the documents produced, which have either not been tendered in evidence, or, if tendered, have been rejected. It is sufficient if a receipt for their return is taken in the list with which they have been put up.

(5) The part of the records described in the table given in Part C of the said Administrative Form No.46 shall be retained for the period respectively specified against them from the date of their completion, provided that, in any case, the Presiding Judge or Magistrate may, for reasons to be recorded in writing, direct that any of the papers in any one part be transferred to any other part for which a longer period of retention is prescribed; in which case the fact shall be noted in the index and the papers dealt with as if they had belonged from the commencement to the part to which they were so transferred.

Note: Except as otherwise specially provided, the records mentioned in this sub-rule shall be taken to have reached their completion on the date of the final order of the Court of first instance, or in the event of an appeal or revision, from the date of the final order of the superior Court.

(6) The Court registers, books and papers described in the table given in Part D of the said Administrative Form No.46 shall be retained for the period respectively specified against them reckoning from their respective dates or from the dates at which they close:

Provided that the Sessions Judge or Chief Metropolitan Magistrate/Chief Judicial Magistrate, may, in his discretion, direct the retention, for a longer period or permanently, of papers which he may consider likely to be useful in the future, as containing the results of enquiries or other information, or the opinions of experienced officers in matters connected with the general

administration of justice, and provided also that no Court subordinate to the Chief Metropolitan Magistrate or Chief Judicial Magistrate shall cause any papers to be destroyed under the next succeeding sub-rule without having first obtained from such Chief Metropolitan Magistrate or Chief Judicial Magistrate of the district, as the case may be, permission in writing to do so.

(7) When any document of which the destruction is ordered by these rules, is, before it has been destroyed, made evidence in any other case or proceeding, the rule regulating its destruction shall be the rule applicable to evidence filed in such case or proceeding where the period prescribed by such last mentioned rule is in excess of the period prescribed by the rule which originally governed its destruction.

(8) All records, books and papers described in the tables given in Parts C and D of Administrative Form No.46 shall be destroyed without fail at the expiration of the period respectively indicated against them:

Provided that the document produced in the Court by the Government officials shall not be destroyed, but shall, if not previously returned, be transmitted to the responsible officers on the expiry of the period prescribed for their retention.

(9) All records, books and papers to be destroyed under sub-rule (8) shall be disposed of according to the instructions issued in that behalf.

(10) Whenever records, books or papers are destroyed under sub-rule (8), a complete list of the records, books or papers so destroyed shall be prepared and the date of destruction shall be entered at the head thereof. It shall be the duty of the Record Keeper (or his Assistant, if there is one) to certify the correctness of these lists. Whenever Sessions Case judgements in which the

sentence passed is one of imprisonment for life are destroyed, the Record Keeper or his Assistant, as the case may be, shall also certify that the judgment is destroyed either because a report of the convict's death has been received or because the convict has been released.

(11) To enable parties, who have filed documents in Court, to withdraw the same before the period appointed for Gazette in January of each year stating that all documents filed in the cases (to be therein enumerated) will unless previously reclaimed, be destroyed at the expiration of the period indicated in the notice in Judicial Form No.58; and the following note shall also be entered at the foot of every copy of a judgment or order granted to any of the parties to the case or proceeding in which judgment or order was made or to the advocates, or authorised agents of such parties:—

"The parties shall apply, as soon as possible, for the return of all exhibits which they may wish to preserve, as the record will be liable to be destroyed after three years from this date."

(12) The above rules do not apply to non-magisterial records of Revenue Officers, such as Gazette files, *etc.*, but apply only to the judicial records of these officers.

(13) In order to facilitate the work of destruction of records, there shall be maintained in the record room of each Court, a register in Administrative Form No.31 (Criminal Register No.31).

(14) Documents which are required for the Police Training School Museum shall be sent to the District Superintendents of Police of the district concerned at their request after the appeal time has expired.

CHAPTER - XXXIV
SUPERVISION OF SUBORDINATE CRIMINAL COURTS
and
ANNUAL INSPECTION

265. Supervision by Sessions Judges and Chief Judicial Magistrates.— (1) The Code declares that every Chief Judicial Magistrate and Chief Metropolitan Magistrate and every Additional Chief Metropolitan Magistrate shall be subordinate to the Sessions Judge and every other Judicial Magistrate, subject to the general control of the Sessions Judge, be subordinate to the Chief Judicial Magistrate and every Metropolitan Magistrate shall, subject to the general control of the Sessions Judge, be subordinate to the Chief Metropolitan Magistrate and that the Chief Metropolitan Magistrate is responsible for the supervision of the judicial work and administrative work of all Metropolitan Magistrates and the Chief Judicial Magistrate must supervise the administrative and judicial work of all the Magistrates within the District.

(2) The Chief Judicial Magistrate/Chief Metropolitan Magistrate shall not requisition the services of their Sherishtadar either for surprise inspection or annual inspection.

266. Points to be noticed in exercising supervision.— Some of the points to which the attention of the Sessions Judges, Chief Metropolitan Magistrate and Chief Judicial Magistrates is particularly directed in the exercise of their power of supervision are noted below:-

(1) Rash issue of process to the accused; judicious and discriminating use of the provisions of sections 203 and 245 of the Code.

(2) Dealing with disputed claims of civil right under colour of criminal charge.

(3) Indiscreet imposition of fines beyond the means of offenders.

(4) The imposition of heavy fines in addition to imprisonment with a view, in default of payment, to extending the term of imprisonment beyond the powers of the Magistrate to inflict.

(5) Indiscriminate extensions of the grant of time for the payment of the fine without regard to principles laid down in section 424 of the Code.

(6) Excessive sentence of imprisonment out of all reasonable proportion to the offence of which the accused has been convicted.

(7) Failure to make a discriminating and judicious use of the provisions of section 360 of the Code, the Juvenile Justice (Care and Protection of Children) Act, 2015, (Central Act 2 of 2016), the Tamil Nadu Borstal Schools Act, 1925 (Tamil Nadu Act 5 of 1926) and the Probation of Offenders Act, 1958 (Central Act 20 of 1958).

(8) Light punishment for offences requiring severe sentences with special reference to cases which should have been submitted by the Subordinate Magistrates to the Superior Courts for higher punishment.

(9) Exaction of excessive bail or excessive security for keeping peace, or for good behaviour.

(10) Avoidable delay at any stage of the trial of the cases.

(11) Needless adverse remarks in judgments against public servants.

(12) If a sentence of imprisonment for a term of less than three months is awarded for the types of offences mentioned in sub-section (4) of section 354 of the Code, the reasons recorded by the Magistrates should be noticed.

267. Security from Ministerial servants and testing of the same as to its sufficiency.— (1) The incumbents of the posts of Head Ministerial Officers in the Court should furnish security for a sum of Rs.1,000/- as cash deposit in any nationalised bank and execute an indemnity bond in favour of the Principal Judge in the City of Chennai or the Principal District Judge or District Judge in the Districts, as the case may be. The Magistrates concerned shall, however, continue to be responsible for the custody of cash and valuables.

(2) The Principal Judge in the City of Chennai or the Principal District Judge or District Judge in the Districts, as the case may be, should strictly insist on the security prescribed in sub-rule (1), being furnished by the incumbents concerned within a reasonable time after their appointment to the post. On failure to furnish the security, the Head Ministerial Officer shall be liable for departmental action.

(3) The rules contained in Chapter XII of the Tamil Nadu Financial Code, Volume I, shall *mutatis mutandis* apply to the security bond furnished under this rule, provided that the form of the security bond shall be executed in Form No.19 of the Tamil Nadu Financial Code with such variations as the circumstances of the case require. For the Union Territory of Puducherry, the extant Rules shall *mutatis mutandis* apply to the security bond furnished under this rule.

(4) The security bonds and the fidelity bonds furnished under these rules shall be kept in the personal custody of the Chief Administrative Officer in the Court of the Principal Judge in the City of Chennai or Principal District Judge or District Judge in the Districts, as the case may be. The Principal Judge, Chennai or the Principal District Judge or District Judge in the Districts, as the case may be,

shall, from time to time, renew the cash security furnished by way of fixed deposit till the need ceases. Such security taken could be retained for a period of at least six months from the date of promotion of the person concerned or he vacating the post in that category. Only in the absence of approved breach, the security amount shall be refunded. The Principal Judge, Chennai or the Principal District Judge or District Judge in the Districts, as the case may be, shall report to the High Court, in their annual reports, that such securities have been duly examined and are found to be satisfactory.

(5) During their annual inspection of the Courts, the Principal Judge, Chennai or the Principal District Judge or District Judge in the Districts, as the case may be, should see whether these rules have been followed and record their observations in their inspection notes.

268. Inspection of Courts by Chief Judicial Magistrate and Chief Metropolitan Magistrate.— (1) The Chief Judicial Magistrate shall inspect every year or of more often if need be, all the Courts of Judicial Magistrates in his district.

(2) The Chief Metropolitan Magistrate shall inspect every year or of oftener if need be, all the Metropolitan Magistrate Courts in Chennai.

(3) Reports of the inspection should be submitted to the High Court by the Chief Judicial Magistrate/the Chief Metropolitan Magistrate, in Administrative Form No.52, as early as possible.

269. Inspection of Courts of Executive Magistrates on judicial duty.— The Courts of Executive Magistrates on judicial duty in the districts shall be inspected by the Judicial Magistrates. They shall inspect the registers relating to property, fines and cash in such Courts within their jurisdiction once a quarter.

Note.— (1) The inspection referred to above shall be conducted in the second fortnight of the month following each quarter.

(2) The reports of inspection shall be submitted to the Chief Judicial Magistrate concerned;

270. Calendar Statement and Judgment to be submitted.— (1) All Metropolitan Magistrates/Judicial Magistrates shall submit a calendar statement along with a copy of the judgment in every case if the offences/any one of the offences are/is punishable with imprisonment for two years and above to the Chief Metropolitan Magistrate/Chief Judicial Magistrate within three days from the date of judgment. The calendar statement shall contain the following particulars:—

1. Calendar Case No.
2. Nature of offence (with section of law)
3. Name of the Accused
4. Caste
5. Age
6. Date of offence
7. Date of filing
8. Date of apprehension
9. Commencement of trial
10. Close of trial
11. Date of judgment
12. Verdict and sentence
13. Explanation of delay
14. Remarks

(2) On receipt of such calendar and judgment, if the Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be, finds errors or mistakes, if any, in the judgments, he shall enter the same in Administrative Form No.22 (Criminal Register No.22) and he may call for remarks from the Magistrate concerned and the reply of the Magistrate to the remarks shall be entered in Administrative Form No. 23 (Criminal Register No.23).

(3) If, in the opinion of the Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be, the error or mistake falls within the ambit of section 395 or 397 of the Code, the Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be, shall submit a report along with the calendar and judgment to the Sessions Court or High Court forthwith.

(4) In the absence of any urgency, no reference shall be made from the proceedings of a Magistrate in cases where an appeal is provided by law until the time allowed for appeal has expired. Where an appellate order or judgment is in existence, the reference shall be on that order and not on the order of the Court of first instance.

CHAPTER - XXXV**FEEES FOR SERVICE OF PROCESS,
BATTATTA TO COMPLAINANTS, WITNESSES AND ACQUITTED
PERSONS AND CHARGES FOR CONVEYANCE OF PRISONERS**

271. Process Fees.— All processes issued by Courts in the State of Tamil Nadu and the Union Territory of Puducherry shall be charged to Court fees according to the rules framed under section 80 of the Tamil Nadu Court Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955) and the Puducherry Court Fees and Suits Valuation Act, 1972 (Puducherry Act 6 of 1973), respectively.

BATTATTA

272. Cases in which the Government will pay battatta.— Subject to the rules hereinafter contained, the allowances to complainants and witnesses (whether for the prosecution or for the defence) shall be paid by the Court out of the funds provided by the State Government in the following classes of cases, viz.: —

1. Cases shown in the First Schedule of the Code and other enactments as non-bailable;
2. Cases in which prosecution is instituted or carried on under the orders or with the sanction of the Government or of any public servant acting as such;
3. Cases in which the witness has been compelled to attend by a process issued under section 311 of the Code;
4. Cases in which the Court certifies that the attendance of such witness was in furtherance of the interests of public justice.

273. Batta by private complainants and by accused.— In cases other than those coming under the preceding rule, the complainant or the accused, as the case may be, shall deposit in Court, the allowances for the witnesses cited by him. The particulars of such deposits shall be maintained in Administrative Form No.26 (Criminal Register No.26). The party citing the witness shall, subject to the approval of the Court, fix the class in which the witness is to be placed with due regard to his station in life.

274. Person taking part in identification parade conducted by a Magistrate entitled to subsistence expenses.—

If a person taking part in an identification parade held by a Magistrate appears before him in response to a summons issued by him or at his direction or order, he shall be paid allowances at the rates specified in these rules:

Provided that a Magistrate may, for reason to be recorded in writing, disallow such allowances.

275. Advance payment.— The Court may make reasonable advance payment of allowances to witnesses summoned to give evidence or produce documents.

276. Classification of witnesses.— (1) For the purpose of these rules, witnesses shall be divided into two classes, official and non-official.

(2) Official witnesses, i.e. public servants to whom service rules are applicable, summoned to give evidence in their official capacity, shall be entitled to travelling allowance at the rates prescribed by the relevant rules applicable to them for their journey to and from the

Court and for the day spent by them in attendance at the Court to give evidence in cases coming under rules 272 and 273. The Court, however, shall not make any payment to an official witness in such cases, but, shall grant him a certificate that he appeared for giving evidence in his official capacity in Judicial Form No.59. Such certificate shall also state the date on which the witness appeared and the duration of the period for which he was detained, so as to enable him to draw travelling allowance and the batta under the relevant rules. The acknowledgments for giving such certificates shall be obtained in Administrative Form No.27 (Criminal Register No.27).

(3) In cases in which a public servant has to give evidence before a Court which is situated not more than 8 kilometres from his place of official work, the Court may, if it considers necessary, pay him the actual travelling expenses incurred.

(4) When a public servant appears in his official capacity as a witness in a case which does not fall under rules 272 or 273, but, falls under sub-section (3) of section 243 or sub-section (3) of section 254 of the Code, the party at whose instance he is summoned, shall prepay into the Court, the travelling and halting allowance admissible to him under the relevant rules applicable to him. The amount so pre-paid shall be credited to the Government account but the Court shall give the witness a certificate containing the particulars, specified in sub-rule (2) so as to enable him to draw the travelling and halting allowance admissible under the relevant rules.

(5) When a public servant appears to give evidence in any case as a private person, travelling allowance and batta may be paid to him in the ordinary manner, but, the Court shall send an advice of all

such payments made to him to the head of the office in which he is employed. In this advice, the amount paid as batta and the period during which the attendance of the witness in Court was necessary, shall be stated.

(6) When an Armed Force / Para Military Force personnel appears in any case coming under rule 272 or 273 to give evidence in his official capacity, he shall be paid the travelling allowance and batta admissible under the regulations applicable to him and shall also be furnished with a certificate showing in detail, the amount paid.

(7) When Engineers, Medical and Health Officers whose services are lent by the Government to the local bodies, attend the Court to give evidence in their official capacity and not either in their private capacity or in prosecution instituted by the local body, they shall be paid travelling allowance and batta from the State funds at the same rates as would be admissible to Government servants of similar grades under the Rules applicable to them.

(8) Medical subordinates in the employment of local bodies including Government servants lent to, and paid by, the local bodies and Municipalities, when attending the Court to give evidence in their official capacity, shall be paid the same rate of allowance as would be admissible to the Government servants of similar grades under the relevant rules applicable to them.

Explanation.— For the purpose of this sub-rule, the expression “medical subordinates” include compounders, midwives, nurses, etc.

(9) Honorary Medical Officers, when attending the Court to give evidence in their official capacity, shall be paid allowances at the rates admissible to the Government servants of similar grades under the relevant rules applicable to them.

277. Non-official witness.— Travelling allowance and batta payable to non-official witness shall be determined by the Court with due regard to the station in life of the witness and paid.

278. Rates of payment.— Rates of travelling allowance and daily allowance payable to witnesses may be on the rates fixed by the Government under the Travelling Allowance Rules as nearly as possible.

279. Expert witnesses.— (1) Fees for the services and expenses of expert witnesses from the Finger Print Bureau shall be credited to the State Government, except the travelling allowance which shall be paid to the experts.

(2) The teachers of the deaf and dumb schools shall be treated as expert witnesses in the matters of interpreting the deaf and dumb in Court. They shall be paid the same rates of fees as are payable to other experts.

(3) Expert or scientific witnesses shall be paid such fee of not less than Rs.500/- and the maximum amount payable shall be determined by the Presiding Officer on the facts and circumstances of the case. These witnesses shall also be entitled to the allowances prescribed for the ordinary witnesses of their class.

280. Rail or other public transport service rate alone to be allowed.— Wherever it is practicable for witnesses to travel by rail within the State or by other public transport service within the State, they shall be allowed not more than the rate prescribed for those modes of conveyances. Where the witnesses are to travel from outside the State, they shall be paid the actuals spent for travel by any mode.

281. Daily allowance.— Daily allowance may be paid for the days spent for travelling to the Court and for the return journey. The daily allowance will cease as soon after the conclusion of the enquiry or trial, as the means of quitting the place becomes available.

282. Disallowance of expenses of witnesses.— It shall be competent for the Court, before which a complainant or witness (whether for the prosecution or defence) appears, to disallow payment of any expenses by the State, if for any cause to be recorded, the Court thinks fit to do so.

283. Travelling allowance to be paid by Government on production of certificate of attendance in Court.— (1) In a criminal case to which the State is a party, a Government servant giving evidence regarding the facts of which he has official knowledge shall, on production of a certificate of attendance issued by the summoning Court, be paid travelling allowance by the Government under whom he is serving.

(2) In a criminal case to which the State is not a party, a Government servant giving evidence regarding facts of which he has

official knowledge shall, on production of a certificate duly signed by the Controlling Officer showing the rates of travelling and daily allowances admissible to him for a journey on tour, be paid by the summoning Court, the travelling and daily allowances admissible to him according to the rates shown in the certificate.

284. Scrutiny of bills.— All bills for travelling allowance and batta to complainants and witnesses attending the Court of Magistrate shall, after payments have been made by such Courts, be scrutinised by the Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be, within whose jurisdiction such Courts are situated, before the charges included in them are finally passed to the Accounts Department for adjustment.

285. No travelling allowance when complaint is dismissed under section 250 of the Code.— In a case where a Magistrate decides to proceed under section 250 of the Code, no travelling allowance or batta shall be paid to the complainant.

286. Carriage expenses.— The Court may, in the case of witnesses who, by reason of sickness, old age or other physical disability, are unable to travel by public conveyance, pay the expense actually incurred by them on private conveyance.

287. Batta to acquitted prisoners.— For the purpose of enabling an acquitted prisoner to return to his place of residence, the Court may pay batta and travelling expenses at the rates prescribed for witnesses to the person,—

(i) who is acquitted or discharged and released from custody or who having been arrested under section 390 of the Code and is subsequently released; and

(ii) who is released under section 360 of the Code or under the Probation of Offenders Act, 1958 (Central Act 20 of 1958):

Provided that no batta and travelling allowance shall be paid to any person who resides within five kilometres from the place at which he is released from custody or who is possessed of sufficient means to make his return journey.

CHAPTER - XXXVI**MISCELLANEOUS**

288. Dress Code of Advocate Clerks.— The Clerks of the advocates in all Courts shall wear black coat and display their identity cards whenever they enter into the Court hall and to the Registry.

289. Receipt of documents.— Any document like statement under section 161 of the Code, *etc.* forwarded by the investigating agency shall bear the seal of the Court and the date of its receipt.

290. Furnishing copies to the accused.— It is not necessary for the Court to insist upon the presence of all the accused for the purpose of furnishing copies under sections 207 and 208 of the Code. The Court may furnish such copies to the available accused under due acknowledgement.

291. Questioning of the accused.— After furnishing copies of relied upon documents under section 207 of the Code, the accused shall be questioned after a day's interval so that the accused may contact his advocate or friends for proper arrangement of his defence.

292. Trial of Prevention of Corruption Act cases.— The Presiding Officers of the Courts constituted under the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) shall allot at least minimum three continuous days to a particular case and issue summons to the witnesses on those three days, so that independent witnesses can be examined simultaneously and the trial in a particular case could be completed early.

293. Documents filed under sub-section (2) of section 294 of the Code.— Where any document is filed before any Court by the prosecution or defence, the particulars of every such document shall be listed as per sub-section (2) of section 294 of the Code in Judicial Form No.78, as prescribed by the State Government. This shall apply to the Courts in the Union Territory of Puducherry also.

294. Questioning under section 313 of the Code.— The Judge/Magistrate shall frame the questions under section 313 of the Code with care and precision. The way of questioning the accused is to put to him, one by one, all the vital points in the evidence against him in simple, short and easily intelligible sentences and to ask him if he wishes to say anything in regard to them, by way of explanation.

295. Compounding of offences.— (1) The Court may invite the parties to resort to compounding of the offence in deserving cases, as per section 320 of the Code.

(2) Joint memorandum with supporting affidavits signed by the aggrieved person/persons and accused shall be filed along with the petition for compounding of the offence under section 320 of the Code.

(3) While permitting compounding of the offence, it is not necessary for the Court to examine the investigating officer. However, the Court may direct the presence of the investigating

officer in cases where his presence is required for identifying the parties.

296. Compliance of High Court's directions.— Whenever any direction is given by the High Court, the subordinate Court concerned shall,—

(a) dispose of the proceeding pending on their file within the time specified in the order of the High Court and report the fact to the High Court immediately after disposing of the proceeding concerned; or

(b) make a request to the High Court for extension of time for carrying out the directions, well in advance of the date specified in the order of the High Court, stating the reasons therefor and the further time required, if for any reason, the subordinate Court concerned is not able to comply with the order of the High Court within the time specified.

297. Procedure when re-trial ordered.— (1) When criminal cases are remanded for re-trial, they shall be restored to their original numbers and not assigned new numbers.

(2) For the purpose of accounting of remand cases in the "Register of Calendar cases received" in Administrative Form No. 4 (Criminal Register No.4), a note shall be made in column 9 of the said Register under the heading "Results" indicating the fact of re-trial ordered and fresh disposal noted against that entry as soon as the cases are disposed of on re-trial.

(3) Similar notes shall also be made in columns 26 and 35 of the "Register of Results of Inquiries and Trials" in Administrative Form No.7 (Criminal Register No.7) and the "Register of Punishments" in Administrative Form No.8 (Criminal Register No.8) respectively under the heading "Remarks" and the fresh disposal noted under the above columns against the previous entries as soon as the cases are disposed of on re-trial.

(4) Re-trial cases shall be treated as fresh institution (on remand) and fresh disposal (on disposal) for the purpose of statistics.

298. Records movement register.— A register in Administrative Form No.64 shall be maintained in all the subordinate Courts for movement of records among the Bench Clerk and Steno Typist and other members of the staff, before consignment of the same to the Record Room in order to fix the responsibility on the concerned for loss of records.

299. Register for stayed cases.— All the subordinate Courts shall maintain a separate Register in Administrative Form No.63 in respect of cases in which trial has been stayed by any appellate Court and the same shall be maintained by the Head Ministerial Officer of the Court concerned, to keep a watch on the further course of action to be taken by the respective Courts.

300. Judicial Forms.— The following Judicial Forms (which are not covered in the foregoing Rules) shall be used for the purposes mentioned against them:—

Judicial Form No.	Purpose for which the Judicial Form is to be used
1	To place the in-charge officer during the absence of the Chief Judicial Magistrate under section 12 of the Code.
3	To bring up a witness after service of summons under section 87(b) of the Code.
6	For issuing notice under section 122 of the Code.
7	For issuing warrant of imprisonment on failure to pay maintenance under section 125 of the Code.
9	For appointment of a receiver under sub-section (2) of section 146 of the Code.
17	For issuing notice under sections 195 and 340, 341 & 343 of the Code.
18	For issuing notice to complainant under section 200 of the Code.
19	For issuing warrant of commitment of a person charged with an offence.
20	For recording plea of the accused under sections 229 and 230 of the Code.
22	For issuing warrant of commitment on a sentence of imprisonment or fine or both, in pursuance of an order passed on appeal under sections 255, 248 and 386 of the Code.
23	For examination of the accused.
24	For issuing order for detention in custody of Approvers under section 306 of the Code.
26	For issuing warrant to the accused under section 322 of the Code when the case is stayed by the Magistrate.
27	For issuing warrant of commitment under section 345 of the Code in cases of contempt.
28	For issuing warrant of commitment of witness under section 349 of the Code when he refuses to answer or produce a document or thing.
30	For getting bond for probation of good conduct under section 360 of the Code.

Judicial Form No.	Purpose for which the Judicial Form is to be used
31	For issuing order of dismissal of appeal under section 384 of the Code.
35	For issuing an order confirming a sentence under section 386 of the Code.
38	For issuing warrant of release of a prisoner under section 386 of the Code.
43	For issuing notice of revision petition under section 403 of the Code.
44	For issuing notice of application for transfer under sections 408 to 412 of the Code.
47	For issuing warrant of commitment of the surety of an accused admitted to bail under section 446 of the Code.
48	For issuing warrant of imprisonment on breach of a bond to keep peace or to be of good behaviour or to appear before a Court under section 446 of the Code.
49	For issuing warrant of imprisonment on forfeiture of bond for good behaviour or to keep peace under section 446 of the Code.
50	For getting bond for return of property under sections 451 and 452 of the Code.
51	For issuing notice to a party for getting back the properties under section 452 of the Code.
52	For issuing proclamation in respect of unclaimed properties under section 457 of the Code.
54	For issuing order of detention of adolescent offender in Borstal Schools.
66	For issuing warrant of commitment under sentence of death.
67	For issuing subpoena to witness (on commission).
69	For issuing certificate under section 5 of the Press and Registration of Books Act, 1867 (Central Act 25 of 1867)

301. Administrative Forms.— The following Administrative Forms in the form of Criminal Registers (which are not covered in the foregoing Rules) shall be maintained as described against them:—

Admn. Form No.	Description
6	Register of Applications under section 138 of the Railways Act, 1989 (Central Act 24 of 1989)
9	Register of enforcement of sentence of imprisonment awarded.
10	Register of Appeal Cases disposed of.
11	Register of Revision Cases disposed of.
16	Fair Copy Register.
20	Register of unclaimed properties.
21	Register of calendars received by Sessions Courts and Chief Judicial Magistrates' Courts.
29	Cash Book.
32	Register of Summary Trials.
34	Register of fines in respect of which payments are payable to local body.
37	Working sheets for fine recovery.
40	Statement of pending cases.
41	Sessions Statement to be submitted by the committing Magistrates to the Chief Judicial Magistrates.
42	Statement showing trial of Sessions Cases.
43	Sessions Statement submitted to the High Court.
47	Calendar of criminal cases.
48	List of calendars despatched to the Sessions Court by the Chief Judicial Magistrates.

Admn. Form No.	Description
50	Receipt to be granted by Magistrate Courts.
51	Receipt for sending valuable properties for disposal.
53	Pay Order Book for Metropolitan Magistrate Courts.
55	Disbursing Officer's statement of expenses in Metropolitan Magistrate Courts.
57	Daily Cash Book of Accountant in Metropolitan Magistrate Courts.
58	Monthly Cash Book of Receipts and Payments in Metropolitan Magistrate Courts.
59	Register of recognized clerks of advocates.
61	Register of papers despatched.

302. Except register of copy applications, cash book, fair copy register, monthly cash book, disbursing officer's statement of expenses, daily cash balance register, daily cash book of the Accountant, monthly cash book of receipts and payments and Court deposit register, no special forms have been prescribed under these Rules for maintenance of the registers referred to in Questionnaire 45 of Administrative Form No.52, as these registers have been maintained since the constitution of the Court system in the Madras Presidency.

303. Forms prescribed by these rules shall be used by the Courts in the State of Tamil Nadu and Union Territory of Puducherry for the respective purposes therein mentioned, with such variations, as the particular circumstances of each case may require.

APPENDIX

Judicial Form No. 1

(See Rule 300)

PROCEEDINGS OF THE CHIEF JUDICIAL MAGISTRATE OF.....

(Section 12, Cr.P.C.)

Dated the day of 20.....

Under section 12 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Chief Judicial Magistrate of hereby defines the local area within which Sri..... appointed to be a Magistrate for the district of, and may exercise the powers with which he has been invested by the State Government and the Chief Judicial Magistrate of to be as follows:-

Chief Judicial Magistrate

Copy to—

- (1) The Officer concerned
- (2) The District Superintendent of Police

Judicial Form No.2

[See Rule 29(18)]

**LETTER OF REQUEST FOR THE APPEARANCE OF THE PRESIDING
OFFICER OF PARLIAMENT OR OF STATE LEGISLATURE OR THE
CHAIRMAN OF A COMMITTEE THERETO AS A WITNESS**

From

To

The Speaker of the House of the People
The Chairman of Council of States, Parliament House, New Delhi
The Speaker of the Legislative Assembly
The President of the Legislative Council of
The Chairman of

(Cause title)

In the above proceeding, the complainant/accused proposes to examine you as
a witness. I have to request you to be so good as to appear in my court at 11 a.m. on
.....

Dated:

Yours faithfully,

(Designation)

Judicial Form No.3

(See Rule 300)

WARRANT TO BRING UP A WITNESS AFTER SERVICE OF SUMMONS
(Section 87(b) Cr.P.C.)

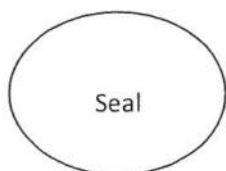
To

.....

Whereas complaint has been made before me that has or is suspected to have committed the offence of and whereas it is proved that the summons issued to who, it appears, likely can give evidence concerning the said complaint, has been duly served in time to admit of his appearing in accordance therewith but that he has failed so to appear without offering a reasonable excuse for such failure;

This is to authorize and require you to arrest the said and on the day of 20...., to bring him before this Court to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this day of20....



Magistrate.

If the said shall give bail himself in the sum of Rs. with one surety/two sureties each in the sum of Rs. to attend before me on the day of 20.., and to continue so to attend until otherwise directed by me, he may be released.

Dated this ... day of 20.. .

Magistrate.

Judicial Form No.4
[See Rule 245]

**LETTER OF REQUEST FOR PRODUCTION OF RECORDS IN THE CUSTODY OF A
HOUSE OF PARLIAMENT OR OF A LEGISLATURE OF A STATE**

From

.....
.....
.....

To

The Speaker of the House of the People/
The Chairman of the Council of States
Parliament House
New Delhi

The Speaker of the Legislative Assembly of
The President of the Legislative Council of
(Cause title)

Sir,

(Where mere production of document is required):- In the above proceeding, the complainant/accused proposes to rely upon the documents specified in the Annexure, which are in the custody of the House of the People/The Council of States/Legislative Assembly/Legislative Council. I have to request you to move the House if you have no objection, to grant leave for the production of documents in my court and, if such leave is granted, to arrange to send the documents/certified copies of the documents so as to reach me on or before by Registered Post with Acknowledgment Due or through an officer in the Secretariat of the House.

(Where oral evidence of an officer in the Secretariat of the House is required) in the above proceedings, the complainant/accused proposes to examine an officer in the Secretariat of the House of the People/the Council of States/Legislative Assembly/Legislative Council (or any duly informed officer in the Secretariat of the House) as a witness in regard to matters specified in the Annexure. I have to request you to move the House, if you have no objection to grant leave for the examination of the said officer in my court at 11 a.m. on

Date:

Yours faithfully,

ANNEXURE:

1
2

Judicial Form No. 5

(See Rule 242)

SUMMONS TO PRODUCE

(Section 91, Cr.P.C.)

IN THE COURT OF THEMAGISTRATE OF

Case No.of 20....

Complainant

vs.

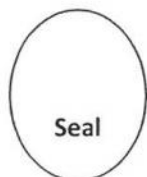
Accused

To

..... of

Whereas a complaint has been made before this Court that the accused has (or is suspected to have) committed the offence of and it has been made to appear to this Court that the production of the under-mentioned documents/things now in your possession or power is necessary/desirable for the purposes of the before this Court, you are hereby summoned to attend and produce (or cause to be produced) the said documents/things before this Court at 11 a.m. on the day of20 .

Given under my hand and the seal of this Court, this day of 20.



Magistrate

Particulars of documents/things

Judicial Form No. 6

(See Rule 300)

NOTICE

(Section 122, Cr.P.C.)

IN THE COURT OF SESSION,DIVISION

Criminal Miscellaneous Case No. of 20

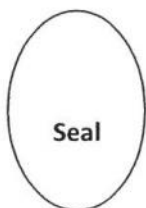
To

.....

Through theMagistrate of

Take notice that Miscellaneous Case No.....of 20....., on the file of theMagistrate ofin which you are one of the accused has been laid before this Court for orders under section 122 of the Code of Criminal Procedure, 1973(Central Act 2 of 1974) and will be heard in the Sessions Court at onat 11 a.m.

Given under my hand and the seal of the Court, this day of 20....

*Sessions Judge*

Judicial Form No. 7

(See Rule 300)

WARRANT OF IMPRISONMENT ON FAILURE TO PAY MAINTENANCE.

(Sections 125 and 126 , Cr.P.C.)

IN THE COURT OF THEMAGISTRATE OF.....

Miscellaneous Case No.....of 20....

To

The Superintendent /Officer-in-charge of the Prison at

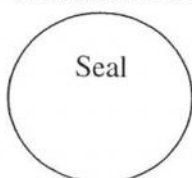
Whereas has been proved before me to be possessed of sufficient means to maintain his wife and / or child that is by reason of unable to maintain itself and to have neglected/refused to do so, and as an order has been duly made requiring the said.....to allow his said wife/child for maintenance the monthly sum of Rupees; and whereas it has been further proved that the said.....in wilful disregard of the said order, has failed to pay Rupees being the amount of the allowance for the month/months of and thereupon, an order was made adjudging him to undergo simple / rigorous imprisonment in the said prison for the period of

This is to authorize and require you, the said Superintendent/Officer to receive the said.....into your custody in the said prison together with this warrant and thereto carry the said order into execution according to law, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 20...

Release on bail by Court

1. Order Number and date.
2. Date of actual release
3. Date of re-arrest

*Magistrate*

Descriptive roll.

Name.

Father's name.

Sex, married or single.

Race, Religion and Caste.

Previous occupation.

Age,

Descriptive marks.

**Diet-*

(a) the diet to which the prisoner was accustomed according to his own statement

(b) the diet recommended by the Magistrate.....

(c) brief reasons if rice or wheat is recommended.....

The distance from the prisoner's residence to the nearest railway station / Prison is kms.

The distance (a) by bus from the nearest railway station/prison to the bus stand nearest to the Prisoner's residence is kms. (b) from the bus stand nearest to the prisoner's residence to his residence iskms.

The amount of bus fare under (a) above is Rs.....

*Details of the property on the person of the prisoner.**Magistrate.*

Prison.

Date of admission to prison.

Number.

Name.

Sentence.

I hereby certify that the sentence passed on the prisoner and named in the warrant has been executed according to law and that he has this day been released from custody on +

Date of sentence.

Date of release.

Release on bail or escape and

Re-admission may be noted below.

or

having earned days remission.

..... Prison.

Dated20...

Superintendent.

Note.- In filling up the particulars under the head "5. Previous occupation" in respect of females, Court shall use the same classes of previous occupation as are adopted for males.

+Appeal/Expiry of sentence/bail

Judicial Form No. 8

[See Rule 29(19)]

Order requiring parties to put in written statements of their claims

(S.145(1), Cr.P.C.)

In the Court of the Magistrate of

Miscellaneous Case No..... of 20....

To

Whereas, it has been made to appear to me and I am satisfied for the reasons set out below that a dispute likely to cause a breach of the peace exists concerning situate within the local limits of my jurisdiction. I do hereby require you to attend at my Court in person or by advocate within days from the receipt of this notice and put in written statement of your claim as respects the fact of actual possession of the property aforesaid.

Reasons:

Given under my hand and the seal of the Court, this day of20.....

(Seal)

Magistrate

Judicial Form No. 9
(See Rule 300)

APPOINTMENT OF A RECEIVER
[Section 146 (2) Cr.P.C.]

IN THE COURT OF THE MAGISTRATE OF

To

.....

Whereashas been attached,
you are hereby (subject to your giving security to the satisfaction of the Court)
appointed Receiver of the said property under sub-section (2) of section 146 of the
Code of Criminal Procedure, 1973 (Central Act 2 of 1974):

You are required to render a due and proper account of your receipts and
disbursements in respect of the said property on

Given under my hand and seal of the Court this.... day of20...



Magistrate

[See Rule 28(5)]

Register of Complaints

[illegible]

[See Rule 9(9)]

Register of Test Identification Parade

[illegible]

Register of Confessions / Statements recorded U/s. 164 Cr.P.C

[illegible]

Judicial Form No.14

[See Rule 6 (8)]

FORM OF ORDER FOR THE DETENTION IN CUSTODY OF AN
ACCUSED PERSON
(Section 167, Cr.P.C.)

To

The Superintendent/Officer in-charge

..... Prison at

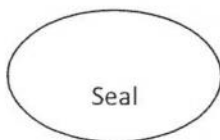
Whereas it appears that a charge against of an offence under section of the Indian Penal Code/Act No. of, is under investigation by the police under the provisions of Chapter XII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) that such investigation cannot be completed within the period of 24 hours fixed by section 57 of the said Code; and that there are grounds for believing that the accusation / information against the said person is well founded; and the accused having been duly forwarded to this Court, this is to authorize you to detain the said in custody* for days, and to cause him to be produced before Court sitting at on the day of 20... at ... O' Clock.

Descriptive roll

- 1.Name
- 2.Father's/Husband's Name
- 3.Sex, Married or Single
- 4.Race, religion and caste
- 5.Previous occupation
- 6.Age
- 7.Descriptive marks

Note – At least three identification marks must be given.

Given under my hand and the seal of the Court, this day of20.....



Magistrate

* The custody may be such as the Magistrate thinks fit.

Judicial Form No.15

[See Rule 26(4)]

PROCEEDINGS OF THEMAGISTRATE OF

Dated day of 20.....

(Under Section 173, Cr.P.C.)

READ

Referred charge-sheet entered as Serial No. in Magistrate's Register.

1.Name of the

(a) Station

(b) Village

(c) Taluk

2.Complainant's name

3. Name of accused

4.Offence, with law and section under which punishable

5.Explanation of any delay evidenced by dates in docket (outside).

6. order to the Police, regarding making , or refraining from making further investigation and with regard to the bond, if any, executed by the accused.

7. Brief statement of facts of the case and reasons for order.

Magistrate

PROCEEDINGS ON REFERRED CHARGE SHEET ENTERED
AS SERIAL NO. IN MAGISTRATE'S REGISTER

From

The Magistrate

To

The Commissioner / Superintendent of Police,

Through

The Inspector of Police,

Date of

}	Offence
}	Report to station
}	Receipt of Referred Charge Sheet by Magistrate
}	Order of the Magistrate
}	Dispatch

Date	Month	Year

Remarks of Magistrate

Received: ..day of 20....

Despatched: ..day of 20....

Reply of Magistrate

Received: ..day of 20....

Despatched: .. day of20.....

Judicial Form No. 16

(See Rule 26 (1)(c))

NOTICE TO COMPLAINANT

(Section 173 or 202, Cr.P.C.)

In Referred Case No.of 20....

To

.....

Complainant

Take notice that the complaint preferred by you under section of the Indian Penal Code / Act No. of is referred by the Police Station as and that if you dispute the correctness of the finding of the Police in Cr.No..... of, you should appear before this Court within days from this day.

..... Day of20.....

Magistrate

Judicial Form No.17

(See Rule 300)

NOTICE

(Sections 195, 340, 341 and 343, Cr.P.C.)

IN THE COURT OF THE

Civil/Criminal Miscellaneous Petition No. in No. of

BETWEEN

Petitioner

AND

Counter-Petitioner.

To

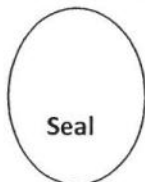
.....

Counter-Petitioner

Take notice that an application has been presented by the petitioner herein praying that an inquiry be made/an inquiry will be held under sections 340, 341 and 343 Code of Criminal Procedure, 1973 (Central Act 2 of 1974) determine whether a complaint should not be laid against you for an offence punishable under section(s).... of the Indian Penal Code, and that the said application will be heard by this Court at a.m. on the ... day of 20....

You are at liberty to show cause why such complaint should not be made.

Given under my hand and the seal of the Court, this day of 20....

*Sessions Judge/Magistrate*

Judicial Form No.18

(See Rule 300)

NOTICE TO COMPLAINANT

(Section 200, Cr. P.C.)

IN THE COURT OF THE MAGISTRATE OF

To

.....

You are hereby required to appear before this Court at at.... o'clock on the day of20..... to give a sworn deposition regarding the complaint preferred by you against

Dated the day of 20.....

**Magistrate**

Judicial Form No.19

(See Rule 300)

WARRANT OF COMMITMENT OF A PERSON CHARGED WITH AN OFFENCE.

(Section 209, Cr.P.C.)

Case No.of 20...

To

The Officer-in-charge of Prison at

Whereasis charged with having committed an offence under section(s)..... of and has been committed to take his trial before the Court of Session at on the day of20....

You are hereby required to receive the said into your custody in the said prison and safely to keep him there until he shall be thence delivered by due course of law.

Descriptive roll.

- 1.Name.
2. Father's name / husband's name
- 3.Sex, married or single.
- 4.Race, Religion and Caste.
- 5.Previous occupation.
- 6.Age
- 7.Descriptive marks.

NOTE.-At least three identification marks must be given.

Given under my hand and the seal of the Court this....day of 20...

**Magistrate**

Judicial Form No. 20

(See Rule 300)

IN THE COURT OF SESSION, DIVISION.

(Sections 229 and 230, Cr.P.C.)

Sessions Case No.....of 20.....

Preliminary Register Case No. of 20 ... , on the file of the Magistrate of

Name of accused

Charge

Plea of the accused

Sessions Judge

Judicial Form No. 21

(See Rules 71 & 73)

**WARRANT OF COMMITMENT ON A SENTENCE OF
IMPRISONMENT OR FINE OR BOTH**

(Sections 255 (1)&(2), 248 (1)&(2) and 235, Cr.P.C.)

IN THE COURT OF OF.....

Sessions/Calendar Case No..... of 20...

To

The Superintendent/Officer-in-charge
..... Prison at

Whereas on the day of 20..., the prisoner in Sessions/Calendar Case No. of 20... (Crime No..... of Police Station) was convicted before me Sessions Judge/ Magistrate of of the offence of punishable under section of the Indian Penal Code/ Act of and was sentenced to

This is to authorise and require you, the said The Superintendent/Officer-in-charge to receive the said into your custody in the said prison together with this warrant, and there carry the aforesaid sentence into execution according to law. The prisoner named above is classed as.....*

The prisoner is/ is not a fit subject for the special prison for habituals†

* "Habitual" or "Casual", as the case may be, should entered here in the Magistrate's or Judge's own handwriting.

† To be filled in only in the case "habitual" by a convicting Court (not below the rank of 1st Class Magistrate) in an area for which a special prison for habituals has been appointed.

*Diet—

(a) the diet to which the prisoner was accustomed according to his own statement:.....

(b) the diet recommended by the Sessions Judge/Magistrate:.....

(c) brief reasons if rice or wheat is recommended:.....

II. The distance from the prisoner's residence to the nearest railway station / Prison is kms.

The distance (a) by bus from the nearest railway station/prison to the bus stand nearest to the Prisoner's residence is kms. (b) from the bus stand nearest to the prisoner's residence to his residence iskms.

The amount of bus fare under (a) above is Rs.....

III. Details of property on the person of the prisoner.

IV. I hereby certify that..... of the fine has been recovered.

V. Descriptive Roll

Name:

Father's name:

Sex, married or single:

Race, religion and caste:

Previous occupation:

Age:

Descriptive marks:

* Particulars to be entered in the Sessions Judge's/Magistrate's own handwriting.

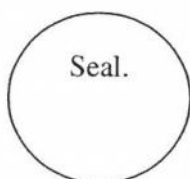
Particulars of previous convictions.

Court	Calendar No. And year	Section and Code.	Sentence.

Given under my hand and the seal of the Court, this day of 20....

Release on bail by Court

1. Order Number and date
2. Date of actual release
3. Date of re-arrest



Sessions Judge /Magistrate

The prisoner was transferred to Prison on under Inspector-General's Order No..... dated 20.

Remission earned upto the end of the preceding quarter is ... days.

Superintendent.

The prisoner was transferred to Prison on under Rule 579 of the Tamil Nadu Prison Manual, Volume II.

Remission earned upto the end of the preceding quarter is ... days.

Solitary confinement

From	To	Number of days	Total undergone.	Superintendent's initials

I hereby certify that the within named prisoner has this day been served with an order directing him to notify his residence to the police for year(s) from this date.

The following address was furnished by the prisoner on release:-

Street:

Village:

Taluk:

District:

Superintendent.

The order has been duly served on me,
(Signature or left-thumb
Impression of the prisoner.)

.....Prison
Dated20 .

Prison

Date of admission to prison:
Number:
Name:
Sentence:
Date of sentence:
Date of release:

I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has this day been released from custody on*
or having earneddays' remission.
.....Prison
Dated 20

Jailor

Release on bail or escape and readmission may be noted below.

Superintendent.

NOTE:- In filling up the particulars under the head "5. Previous occupation" in respect of females, Court shall use the same classes of previous occupation as are adopted for males.

*Appeal/Expiry of sentence/Bail.

Judicial Form No. 22

(See Rule 300)

**WARRANT OF COMMITMENT ON A SENTENCE OF
IMPRISONMENT OR FINE OR BOTH, IN PURSUANCE OF AN ORDER
PASSED ON APPEAL**

(Sections 255, 248 and 386, Cr.P.C.)

IN THE COURT OF OF.....

Appeal No. of against the conviction and sentence by the Magistrate of
.....under Section of Indian Penal Code / Act ... of in
Sessions/Calendar Case No..... of 20...
(Cr. No..... of 20....., Police Station)

To
The Superintendent/Officer-in-charge
..... Prison at

Whereas on the day of 20..., the prisoner in Sessions/Calendar Case
No. of 20... was convicted before the said Magistrate of of
the offence of punishable under section of the Indian Penal Code/
Act of and was sentenced to and whereas
the said sentence has been modified by me Sessions Judge / Magistrate of
on appeal into a sentence of

This is to authorise and require you, the said The Superintendent/Officer-in-charge to receive the said into your custody in the said prison together with this warrant, and there carry the aforesaid sentence into execution according to law.

The warrant of commitment issued by the said Magistrate in regard to the aforesaid prisoner in the said Sessions/calendar case should be returned to me for cancellation. The prisoner named above is classed as*

The prisoner is/ is not a fit subject for confinement in the special prison for habituals†

* "Habitual" or "Casual", as the case may be, should entered here in the Magistrate's or Judge's own handwriting.

† To be filled in only in the case "habitual" by a convicting Court (not below the rank of 1st Class Magistrate) in an area for which a special prison for habituals has been appointed.

*Diet—

(a) the diet to which the prisoner was accustomed according to his own statement:.....

(b) the diet recommended by the Sessions Judge/Magistrate:.....

(c) brief reasons if rice or wheat is recommended:.....

The distance from the prisoner's residence to the nearest railway station / Prison is kms.

The distance (a) by bus from the nearest railway station/prison to the bus stand nearest to the Prisoner's residence is kms. (b) from the bus stand nearest to the prisoner's residence to his residence iskms.

The amount of bus fare under (a) above is Rs.....

Details of property on the person of the prisoner.

I hereby certify that..... of the fine has been recovered.

Descriptive Roll

Name:

Father's name:

Sex, married or single:

Race, religion and caste:

Previous occupation:

Age:

Descriptive marks:

* Particulars to be entered in the Sessions Judge's/Magistrate's own handwriting.

Particulars of previous convictions		
Section and Code	Sentence	Court

Given under my hand and the seal of the Court, this day of 20....

Release on bail by Court

1. Order Number and date
2. Date of actual release
3. Date of re-arrest



Sessions Judge /Magistrate

The prisoner was transferred to Prison on under Inspector-General's Order No..... dated 20.

Superintendent

Remission earned upto the end of the preceding quarter is ... days.

The prisoner was transferred to Prison on under Rule 579 of the Tamil Nadu Prison Manual, Volume II.

Superintendent

Solitary confinement

From	To	Number of days	Total undergone.	Superintendent's initials

I hereby certify that the within named prisoner has this day been served with an order directing him to notify his residence to the police for year(s) from this date.

The following address was furnished by the prisoner on release:-

Street:

Village:

Taluk:

District:

Superintendent.

The order has been duly served on me,
(Signature or left-thumb
Impression of the prisoner.)

.....Prison
Dated20 .

Prison

Date of admission to Prison:
Number:
Name:
Sentence:
Date of sentence:
Date of release:

I hereby certify that the sentence
passed on the prisoner named in
this warrant has been executed
according to law and that he has
this day been released from custody
on*
or having earneddays' remission.
.....Prison
Dated 20

Release on bail or escape and readmission may be noted below.

Jailor

Superintendent.

NOTE:- In filling up the particulars under the head "5. Previous occupation" in respect of females, Court shall use the same classes of previous occupation as are adopted for males.

*Appeal/Expiry of sentence/Bail.

Judicial Form No.23

(See Rule 300)

EXAMINATION OF THE ACCUSED

(Section 281, Cr.P.C.)

IN THE COURT OF

Calendar
Miscellaneous
Preliminary Register
Sessions



Case No.of 20..

Statement ofaccused.

Name

Father's name

Village

Taluk

Caste

Calling

Religion

Age

Dated day of20....

Question:-

Answers:-

Judicial Form No.24

(See Rule 300)

FORM OF ORDER FOR THE DETENTION IN CUSTODY OF APPROVERS

(Section 306, Cr.P.C.)

IN THE COURT OF

Case No..... 20...

To

The Officer in charge of thePrison at

Whereas on the ...day of20..., a tender of pardon was made tounder section 306 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) this is to authorize and require you to receive the said into your custody together with this warrant and to procedure him before the committing Magistrate and the Court of Session under safe custody at such times and places as the said Courts may require you to do, and to keep him in the said prison at such times as his production before the Court is not required.

Descriptive roll.

- 1.Name.
2. Father's name/Husband's name
- 3.Sex, married or single.
- 4.Race, Religion and Caste.
- 5.Previous occupation.
- 6.Age,
- 7.Descriptive marks.

NOTE.-At least three identification marks must be given.

Given under my hand and the seal of the Court thisday of ... 20...

**Magistrate**

Judicial Form No.25

[See Rule 6(8)]

FORM OF REMAND WARRANT

(Section 309, Cr.P.C.)

THE OFFICER IN CHARGE OF THE PRISON, AT.....

Whereas has/have been forwarded in custody, by the officer in charge of thePolice Station, to this Court, charged by the Police with offencesunder section..... and this Court is empowered to take cognizance of the said offence, and whereas the Court has postponed/adjourned the trial /enquiry to theday of20..., this is to authorize and require you to detain the said in your custody for ... days and to cause him/them to be produced before this Court sitting at on the ... day of 20... ato'clock.

Descriptive roll.

- 1.Name
2. Father's name / Husband's name
- 3.Sex, married or single
- 4.Race, Religion and Caste
- 5.Previous occupation
- 6.Age
- 7.Descriptive marks

NOTE.-At least three identification marks must be given.

Given under my hand and the seal of the Court this day of 20...

*Magistrate*

Judicial Form No. 26

(See Rule 300)

**WARRANT TO BE USED WHEN THE ACCUSED BEING IN CUSTODY, THE
MAGISTRATE STAYS PROCEEDINGS
UNDER SECTION 322, CR.P.C.**

To

The Superintendent / the Officer in charge of the Prison at

Whereas of is charged before me withand the evidence appearing to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate in this District. The proceedings have been stayed and the case submitted to the Chief Judicial Magistrate/ to the

You are hereby required to receive the said into your custody and produce him when called upon before the Chief Judicial Magistrate or such other Magistrate at such place and time as the Chief Judicial Magistrate shall direct or in the absence of direction from the Chief Judicial Magistrate to produce him before me at on the day of 20...., at a.m./p.m.

Descriptive roll.

- 1 Name.
 - 2 Father's name/Husband's name
 - 3 Sex, married or single.
 - 4 Race, religion and caste.
 - 5 Previous occupation.
 - 6 Age.
 - 7 Descriptive marks.
- (NOTE — At least 3 marks of identification must be given)

Given under my hand and seal of the Court, this day of 20..



Magistrate.

Judicial Form No. 27
(See Rule 300)
**WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT
WHEN A FINE IS IMPOSED**
(Section 345, Cr.P.C.)
IN THE COURT OF
Case No.....of 20.....

To

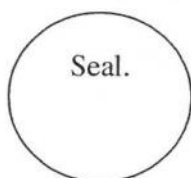
The Superintendent/Officer-in-charge, Civil Prison at

Whereas at a Court holden before me on this the day in the presence / view of the Court, committed wilful contempt;

And whereas for such contempt the said has been adjudged by the Court to pay a fine of Rupeesor in default to suffer simple imprisonment for the space of days and whereas, the said sum of Rs...../part of the said sum, to wit, Rs.....has not been paid or recovered;

This is to authorise and require you, the said Superintendent/Officer-in-charge of the said prison to receive the said into your custody, together with this warrant, and safely to keep him in the said prison for the said period ofdays unless the said fine / balance of fine be sooner paid; and, on the receipt thereof forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 20 ..



Judge/Magistrate.

Descriptive roll.

Name.

Father's name.

Sex, married or single.

Race, religion and caste.

Previous occupation.

Age.

Descriptive marks.

* Diet-

(a) The diet to which the prisoner was accustomed according to his own statement.....

(b) the diet recommended by the Sessions Judge/Magistrate.....

(c) brief reasons if rice or wheat is recommended.....

The distance from the prisoner's residence to the nearest railway station / Prison is kms.

The distance (a) by bus from the nearest railway station/prison to the bus stand nearest to the Prisoner's residence is kms. (b) from the bus stand nearest to the prisoner's residence to his residence iskms.

The amount of bus fare under (a) above is Rs.....

Details of the property on the person of the prisoner.

Judge/Magistrate

Prison.

Date of admission to prison.

Number.

Name.

Sentence.

Date of sentence.

Date of release.

Release on bail or escape and

Re-admission may be noted below.

I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has this day been released from custody on + or having earned day's remission.

Prison,

Dated 20 .

Jailor

Superintendent

Note:- In filling up the particulars under the head "5. Previous occupation" in respect of females, Courts shall use the same classes of previous occupation as are adopted for males.

* Particulars to be entered in the Sessions Judge's/Magistrate's own handwriting.

+ Appeal/Expiry of sentence/Bail.

Judicial Form No.28

(See Rule 300)

MAGISTRATE'S OR JUDGE'S WARRANT OF COMMITMENT OF WITNESS REFUSING
TO ANSWER OR PRODUCE A DOCUMENT OR THING.

(Section 349, Cr.P.C.)

IN THE COURT OF.....

Case No.of 20....

To

.....

Whereas being summoned/ brought before this court as a witness and this day required to give evidence / produce on an enquiry into an alleged offence, refused without alleging any just excuse for such refusal, and for his contempt, has been adjudged detention in custody / simple imprisonment for days;

This is to authorize and require you to take the said into your custody, and safely to keep him in your custody, for the space of ... days unless in the meantime, he shall consent to be examined and to answer the question asked of him/to produce and on the last of the said days, or forthwith on such consent being known, to bring him before this court to be dealt with according to law returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of20....



Judge/Magistrate

Descriptive roll

Name.

Father's name.

Sex, married or single.

Race, religion and caste.

Previous occupation.

Age.

Descriptive marks.

* Diet—

- (a) the diet to which the prisoner was accustomed according to this own statement.....
- (b) the diet recommended by the Sessions Judge/Magistrate.....
- (c) brief reasons if rice or wheat is recommended.....

The distance from the prisoner's residence to the nearest railway station / Prison is kms.

The distance (a) by bus from the nearest railway station/prison to the bus stand nearest to the Prisoner's residence is kms. (b) from the bus stand nearest to the prisoner's residence to his residence iskms.

The amount of bus fare under (a) above is Rs.....

Details of the property on the person of the prisoner.

(Seal)

Judge/Magistrate

Prison

Date of admission to Prison

Number

Name

Sentence

Date of sentence

Date of release

Release on bail or escape and re-admission may be noted below

I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has this day been released from custody on **..... or having earned days remission.

.....Prison,

Dated 20..

Jailor

Superintendent.

**Particulars to be entered in the Sessions Judge's Magistrate's own handwriting.*

***Appeal / expiry of sentence/bail*

NOTE: In filing up the particulars under the head "5. previous occupation" in respect of females, Courts shall use the same classes of previous occupation as are adopted for males.

Judicial Form No. 29

[See Rule 208]

(Section 356, Cr.P.C.)

IN THE COURT OF

The day of 20....

Sessions/Calendar Case No.....of 20 ...

PRESENT: (Name)

Sessions Judge/Magistrate

The State

Complainant

vs.

.....

Accused

Offence

Sentence

ORDER

Under section 356 of the Code of Criminal Procedure, 1973, (Central Act 2 of 1974) the accused is further ordered to notify his residence and any change of residence after release to the police for a period of from the date of his release.

Seal

Sessions Judge/Magistrate

To

The Superintendent, Prison at

Judicial Form No. 30

(See Rule 300)

BOND FOR PROBATION OF GOOD CONDUCT.

(Section 360, Cr.P.C.)

IN THE COURT OF THE MAGISTRATE OF

Calendar Case No..... of 20 ...

Whereas I,..... resident of have been convicted of the offence of under Section of the Indian Penal Code:

And whereas I, being a first offender, have been ordered to be released on probation of good conduct on entering into a bond with surety/sureties during the period of months under the provisions of section 360 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), I hereby bind myself to appear and receive sentence when called upon and in the meantime to keep the peace and be of good behaviour to the State and all the citizens of India during the said term ofmonths and in case of my making default therein, I bind myself to forfeit to the State the sum of Rupees

Dated thisday of 20

Signature.

Executed before me.

Magistrate.

I/We hereby declare myself surety/ourselves sureties for the abovenamedthat he will appear and receive sentence when called upon and in the meantime will keep the peace and be of good behaviour to the State and all the citizens of India during the said term and in case of his making default therein, I/we hereby bind myself/ourselves jointly and severally to forfeit to the State the sum of Rupees

Dated this day of 20.. .

Signature.

Signature.

Executed before me.

Magistrate

Judicial Form No.31

(See Rule 300)

FORM OF DISMISSAL OF APPEAL

(Section 384, Cr.P.C.)

IN THE COURT OF

The... day of 20.... .

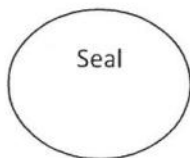
Petition of Appeal No.....of 20 ..., against the conviction and sentence by theMagistrate ofunder Section..... of the Indian Penal Code/Act No..... of in Case No. of the Calendar for 20..

Appellant.

vs.

Respondent

This appeal, coming on for hearing before me under section 384 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) upon perusing the petition of appeal and the calendar and judgment of the said Magistrate and upon duly considering the same after hearing the arguments of the appellant or appellant's advocate/appellant not appearing in support of his appeal although reasonable opportunity of being heard has been allowed, I do adjudge and order that this appeal be dismissed.



Sessions Judge/Magistrate

Copy to-

The Superintendent of Prison at

(for communication to the prisoner concerned)

Judicial Form No.32

(See Rule 123)

NOTICE OF APPEAL

(Section 385, Cr.P.C.)

IN THE COURT OF

Criminal Appeal No..... of 20...

1 The Appellant

2 The Public Prosecutor, Chennai/The Public Prosecutor of the Sessions Division,

3 The Collector/The Superintendent of Police,District /

The Commissioner of Police,

4 Assistant Public Prosecutor

5 General Manager, Southern Railway, Chennai

6 Commissioner, Municipality / Corporation

Notice is hereby given under section 385 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) that the aforesaid appeal made to this Court byagainst the finding and sentence of the..... Magistrate of in Calendar Case No.of 20... will be heard at * on the day of 20.....

*Serishtadar/
Head Ministerial Officer*

Dated20....

* Here specify the place of hearing

Judicial Form No.33

(See Rule 111)

PROCEEDINGS CALLING FOR RECORD

(Sections 386 and 397, Cr.P.C.)

PROCEEDINGS OF THE COURT OF

READ---

Extract from the Register of Preliminary Enquiries in Case No.of 20..

Judgment in Calendar Case No.of 20.....

Criminal Appeal No.....of 20..., presented against the finding and sentence in

Calendar Case No.of 20... , on the file of theMagistrate of

Order

TheMagistrate is requested to submit for the consideration of this Court, the record of the proceedings in the above case with the least practicable delay.

Sherishtadar/ Head Ministerial Officer

Judicial Form No.34

(See Rule 126)

**FORM OF AN ORDER DISMISSING AN APPEAL AND ANNULING A
SUSPENSION OF THE SENTENCE**

(Section 386, Cr.P.C.)

IN THE COURT OF

The day of 20 ..

Petition of Appeal No.....of 20..... against the conviction and sentence by the
Magistrate of under section..... of the
 Indian Penal Code / Act No..... of in Case No.....of the Calendar for 20... .

Appellant

vs.

Respondent

This appeal coming on for hearing before me, upon perusing the petition of appeal and the record of the evidence and proceedings, and upon duly considering the same and after hearing, I do adjudge and order that the said appeal be dismissed and that the order of this Court suspending the sentence be annulled.

*Sessions Judge/Magistrate*

To

The Superintendent of Prison at

(for communication to the prisoner concerned)

Judicial Form No.35

(See Rule 300)

FORM OF AN ORDER CONFIRMING A SENTENCE

(Section 386, Cr.P.C.)

IN THE COURT OF

The....day of20 .

Petition of Appeal No..... of 20....., against the conviction and sentence by the
..... Magistrate of under Section of the Indian Penal Code/ Act No. of
in Case No..... of the Calendar for 20.....

Appellant

vs.

Respondent

This appeal coming on for hearing before me, upon perusing the petition of appeal and calendar and sentence and the record of the evidence and proceedings, and upon duly considering the same, and after hearing, I do adjudge and order that the said appeal be dismissed.

*Sessions Judge/Magistrate*

To

The Superintendent of Prison at
(for communication to the prisoner concerned)

Judicial Form No.36

(See Rule 128)

FORM OF AN ORDER REVERSING A SENTENCE

(Section 386, Cr.P.C.)

IN THE COURT OF

Theday of.....20.....

Petition of Appeal No..... of 20.... , against the conviction and sentence by theMagistrate of under section of the Indian Penal Code / Act No..... ofin Case No. of the Calendar for 20....

Appellant.

vs.

Respondent

This appeal, coming on for hearing before me, upon perusing the petition of appeal and the record of the evidence and proceedings, and upon duly considering the same and after hearing

I do adjudge and order that the conviction and sentence passed on the saidbe reversed and the accused be acquitted / discharged and that he the said prisoner be released from the prison in which he is now imprisoned under the said sentence unless he is liable to be detained in custody for some other cause.

*Sessions Judge/Magistrate*

Copy to

The Superintendent of Prison at
(for communication to the prisoner concerned)

Judicial Form No.37

(See Rule 127)

FORM OF AN ORDER REDUCING SENTENCE

(Section 386, Cr.P.C.)

IN THE COURT OF

The day of 20.....

Petition of Appeal No..... of 20..... against the conviction and sentence by the
..... Magistrate ofunder sectionof the Indian Penal Code/Act
No.... of in case No..... of the Calendar for 20...

Appellant

vs.

Respondent

This appeal, coming on for hearing before me, upon perusing the petition of appeal and the record of the evidence and proceedings, and upon duly considering the same and after hearing,

I do adjudge and order that the sentence passed on the said be reduced and that instead of the punishment thereby imposed, the said



Sessions Judge/Magistrate

Copy to:-

The Superintendent, Prison at

(for communication to the prisoner concerned)

Judicial Form No.38
(See Rule 300)

WARRANT OF RELEASE OF A PRISONER

(Section 386, Cr.P.C.)

IN THE COURT OF.....

(Appeal No..... of 20..., against the conviction and sentence by the
Magistrate of under Section of the Indian Penal Code /Act of
.... in Case No.... of the Calendar for 20....)

To

The Superintendent of the Prison at

Whereas on theday of20., the prisoner in the said Case No.of
the Calendar of 20..., was convicted before the said Magistrate of of the
offence ofpunishable under section of the Indian Penal Code/Act
.... of and was sentenced to..... and whereas, the said sentence was reversed by
me Sessions Judge/Magistrate of on appeal.

This is to authorize and require you to release the said prisoner from
your custody unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, thisday of20 .

Seal

Sessions Judge/Magistrate

N.B.— The Superintendent of the Prison should, at once, return the warrant
with which the prisoner was committed to his custody.

Judicial Form No.39
(See Rules 131 and 133)

**WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE OR BOTH,
IN PURSUANCE OF AN ORDER PASSED ON APPEAL OR REVISION BY THE HIGH COURT**

(Sections 388 and 405, Cr.P.C.)

IN THE COURT OF

Appeal/Criminal Revision Case No..... of 20... against the finding, sentence or order passed by the Sessions Judge / Magistrate under section of the Indian Penal Code / Act of in Case No..... of the Calendar for 20.../ Criminal Appeal No. of 20....

(Crime No..... of Police Station)

To

The Superintendent / Officer-in-charge of Prison at

WHEREAS on the day of 20....., the prisoner in the said Case No.....of the Calendar of 20.., was convicted before me, the Sessions Judge/Magistrate of of the offence of punishable under section..... of the Indian Penal Code/Act of and was sentenced to and whereas the sentence was confirmed/modified by me the Sessions Judge/Magistrate of on appeal, and whereas the said sentence/said sentence as so confirmed or modified on appeal has been modified by the High Court of Judicature at Madras on appeal / revision into a sentence of

This is to authorize and require you, the said Superintendent/ Officer in charge to detain/receive the said in your custody in the said prison together with this warrant and there carry the aforesaid modified sentence of the High Court into execution according to law.

The warrant of commitment issued by me in regard to the aforesaid Prisoner in the said calendar case/criminal appeal should be returned to me for cancellation.

The prisoner named above is classed as *.....

The prisoner named above is /is not a fit subject for confinement in the special prison for habituals. +

++Diet-

(a) the diet to which the prisoner was accustomed according to his own statement

.....

(b) the diet recommended by the Magistrate.....

(c) brief reasons if rice or wheat is recommended.....

* "Habitual" or "Casual", as the case may be, should be entered here in the Magistrate's or Judge's own handwriting.

+ To be filled in only in the case "habitual" by a convicting Court (not below the rank of 1st Class Magistrate) in an area for which a special prison for habituals has been appointed.

++Particulars to be entered in the Sessions Judge's/Magistrate's own handwriting.

The distance from the prisoner's residence to the nearest railway station / Prison is kms.

The distance (a) by bus from the nearest railway station/prison to the bus stand nearest to the Prisoner's residence is kms. (b) from the bus stand nearest to the prisoner's residence to his residence iskms.

The amount of bus fare under(a) above is Rs.....

Details of the property on the person of the prisoner

I hereby certify that..... of the fine has been recovered.

Descriptive roll.

Name

Father's name

Sex, married or single

Race, religion and caste

Previous occupation

Age

Descriptive marks

Particulars of previous convictions.		
Section and Code	Sentence	Court.

Given under my hand and the seal of the Court, thisday of 20.....

Release on bail by Court

1. Order Number and date.

2. Date of actual release

3. Date of re-arrest

Seal

Sessions Judge/Magistrate

The prisoner was transferred toPrison on..... under the Inspector-General's Order No....., dated20.... Remission earned up to the end of the preceding quarter is days.

Superintendent

The prisoner was transferred to Prison on under Rule 579 of the Tamil Nadu Prison Manual, Volume II. Remission earned up to the end of the preceding quarter isdays.

Superintendent

Solitary confinement

From	To	Number of days	Total undergone	Superintendent's initials

I hereby certify that the within named prisoner, has this day, been served with an order directing him to notify his residence to the Police for yearfrom this date.

The following address was furnished by the prisoner on release:-

Street	Village
Taluk	District

Superintendent

The order has been duly served on me.

Signature or left thumb-impression
of the prisoner

Prison
Dated20..

Prison
Date of admission to prison
Number
Name
Sentence
Date of sentence
Date of release

I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has, this day, been released from custody on*.... or having earned days' remission.

Prison

Dated 20 .. .

Release on bail or escape and re-admission may be noted below:-

Jailor

Superintendent

NOTE.—In filling up the particulars under head “5. Previous occupation” in respect of females, Courts shall use the same classes of previous occupation as are adopted for males.

NOTE.—In the case of a Judgment or order passed by the High Court on a revision petition against the finding, sentence or order of an appellate Court, the appellate Court and not the trial Court should give directions to the Superintendent or the Officer-in-charge of the prison.

.....
*Appeal/Expiry of sentence/bail

Judicial Form No.40

(See Rule 131)

WARRANT OF RELEASE OF PRISONER ON APPEAL OR IN REVISION BY
THE HIGH COURT

(Sections 388 and 405, Cr.P.C.)

IN THE COURT OF.....

To

The Superintendent / Officer in charge of the..... Prison at

Whereas, on the day of 20..., the prisoner in Case No.....of the Calendar for 20..., was convicted before me, the Sessions Judge / Magistrate of for the offence of punishable under Section of the Indian Penal Code/Act No.... of and was sentenced to and whereas, the sentence was confirmed/modified by me, the Sessions Judge/Magistrate on appeal and whereas, the said sentence/said sentence as so confirmed or modified on appeal, has been reversed by the High Court of Judicature at Madras on appeal/in revision.

This is to authorize and require you to release the said prisoner from your custody unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, this day of 20.. .

Seal*Sessions Judge/Magistrate*

N.B. – The Superintendent, Prison, should at once return the warrant with which the prisoner was committed to his custody.

Note: In the case of a judgment or order passed by the High Court on a revision petition against the finding, sentence or order of an appellate Court, the appellate Court and not the trial court should give directions to the Superintendent or Officer-in-charge of the Prison.

Judicial Form No.41

(See Rule 125)

FORM OF AN ORDER SUSPENDING SENTENCE

(Section 389, Cr.P.C.)

IN THE COURT OF

The day of 20.....

Petition of Appeal No. of 20... , against the conviction and sentence by the
Magistrate of under Section of the Indian Penal Code/ Act No..... of
..... in Case No..... of the Calendar for 20...

Appellant.

vs.

Respondent

Application having been made to this Court by the Appellant for the suspension of the sentence passed upon him, upon perusing the petition of appeal and the copy of the judgment of the Lower Court, and upon hearing, I do order that as respects the said, the said sentence be suspended until the further order of this Court in the appeal.

A circular stamp with the word "Seal" in the center.

Sessions Judge/Magistrate

To

The Superintendent of the Prison at

Judicial Form No. 42

(See Rule 16)

BAIL BOND

(Section 389 or 441, Cr.P.C.)

(a) IN THE COURT OF

Criminal Appeal/Sessions Case No. of
(Criminal Miscellaneous Petition No.....of 20.....)

Calendar / Sessions Case No. of 20.....on the file of the ... Magistrate/Sessions
Judge of

State

*versus....**Accused*

To

(b) THE COURT OF

Whereas I have been convicted/committed by the Magistrate/Sessions
Judge of of the offence/on a charge of punishable under Section
of the Indian Penal Code/Act of and sentenced to rigorous imprisonment for
..... and to pay a fine of Rs. in the above case and whereas, I have, on preferring
the above appeal/petition, been admitted to bail by the said Court of (a) in
its order, dated the day of 20....

I do hereby bind myself to attend before the said Court or any other Court to
which the appeal or the Sessions Case may be transferred at 11 a.m. on (day), the
..... day of 20....., or whenever required by the said Court or the Court of
(b) pending, execution of the order of the Court of Appeal/Trial
and in the case of my making default herein, I bind myself to forfeit to the State, the
sum of Rupees

Dated this day of20
(Signature and thumb-impression of the accused.)

We, the marginally named persons, hereby declare ourselves sureties for the abovenamed accused, and we do hereby bind ourselves to produce him before the said Court or any other Court to which the appeal or the Sessions Case may be transferred or the Court of (b).....on the day fixed or whenever called upon by the said Court or the Court of (b) pending execution of the order of the Court of appeal/trial and in case of our making default therein, we, the said sureties hereby bind ourselves to forfeit to the State, each of us, the sum of Rupees.....

Signature of the sureties.

Executed this day of 20 ...

Sessions Judge/Magistrate

To

The Superintendent, Prison at

(To obtain the signature of the accused and return the bail bond for record in this office.)

Sureties

Number	Name	Father's name	Caste	Age	Calling	Residence	Remarks

Note – (a) The name of the Court in which the appeal or Sessions Case is filed should be entered.

(b) The name of the Court to the satisfaction of which bail is furnished should be entered.

When the appeal or the Sessions Case is transferred to another Court, the Court from which the appeal or the Sessions case is transferred shall inform the accused and the sureties of such transfer.

Judicial Form No. 43

(See Rule 300)

NOTICE

(Section 403, Cr.P.C.)

IN THE COURT OF

Criminal Revision Petition No. of 20.....

To

The Petitioner.

The Respondent.

The Public Prosecutor.

Notice is hereby given that the above petition presented for revision of the order of the under sectionCode of Criminal Procedure, 1973 (Central Act 2 of 1974) will be heard aton the day of 20.. at a.m.

The day of20

Sessions Judge/Chief Judicial Magistrate

Judicial Form No.44

(See Rule 300)

NOTICE

(Sections 408 to 412, Cr.P.C.)

IN THE COURT OF THE MAGISTRATE OF

Petitioner

Complainant/
Accused in C.C.No.....of 20,
on the file of the Magistrate of

Respondent

Accused/Complainant in
C.C.No.....of 20 ...
on the file of the Magistrate of

Take notice that an application has been made to this Court for the transfer of C.C.No..... of 20...., on the file of the Magistrate of and that the application will be heard on the day of 20, ata.m.

Station :

Dated : 20....

Judge/Magistrate

Judicial Form No.45

(See Rules 70 and 208)

FORM OF WARRANT ON A SENTENCE OF IMPRISONMENT FOR LIFE

(Section 418, Criminal Procedure Code)

IN THE COURT OF SESSION,.....DIVISION

To

The Superintendent of the Prison at

Whereas at the Sessions held before me on theday of20...., prisoner in Case No.....of the Calendar 20.... at the said sessions (Crime No...ofPolice Station) was duly convicted of the offence under Section of the Indian Penal Code/ Act No.... of and was sentenced to imprisonment for

This is to authorize and require you the said Superintendent to receive the said into your custody in the said prison together with this warrant and there safely to keep him until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of imprisonment for life under the aforesaid sentence.

I.*Diet-

- (a) the diet to which the prisoner was accustomed according to his own statement.....
- (b) the diet recommended by the Sessions Judge.....
- (c) Brief reasons if rice or wheat is recommended.....

II. The distance from the prisoner's residence to the nearest railway station / prison iskms..

The distance (a) by bus from the nearest railway station/prison to the bus stand nearest to the prisoner's residence is kms. (b) from the bus stand nearest to the prisoner's residence to his residence iskms..

The amount of bus fare under (a) above is Rs.....

* Particulars to be entered in the Sessions Judge's own handwriting

III. Details of the property on the person of the prisoner.

IV. I hereby certify thatof the fine has been recovered.

V. Descriptive roll.

Name

Father's Name

Sex, married or single

Race, religion and caste

Previous occupation

Age

Descriptive marks

Particulars of previous convictions		
Section and Code	Sentence	Court

Given under my hand and the seal of the Court, thisday of 20...

Release on bail by Court

1. Order Number and date.
2. Date of actual release
3. Date of re-arrest



Sessions Judge

The prisoner was transferred to Prison on under Inspector-General's Order No. dated20... . Remission earned up to the end of the preceding quarter is days.

Superintendent

The prisoner was transferred to Prison on under Rule 579 of the Tamil Nadu Prison Manual, Volume II. Remission earned up to the end of the preceding quarter is days.

Superintendent

I hereby certify that within named prisoner has this day been served with an order directing him to notify his residence to the Police foryears from this date.

The following address was furnished by the prisoner on release:-

Street
Taluk

Village.....
District.....

Superintendent

The order has been duly served on me.

Signature or left-thumb

Impression of the prisoner.

Prison

Dated 20...

Prison

Date of Admission to Prison

Number

Name

Sentence

Date of Sentence

Date of release

I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has this day been released from custody on*..... or having earned..... days' remission.

Prison

Dated20.....

Jailor.

Release on bail or escape and re-admission may be noted below.

Superintendent

* Appeal/Expiry of sentence/Bail.

Judicial Form No.46

[See Rule 14(4)]

APPLICATION FOR SURETYSHIP

IN THE COURT OF THE JUDGE/MAGISTRATE.....

Miscellaneous Petition No. of 20...

in

Case No.. ... of 20

State represented by.....

(Cr. No. of 20.... of Police Station)

Complainant

vs.

.....

Accused

I (Name of Surety) solemnly affirm and state as follows:

1 I beg to offer myself as a Surety for Accused No.... (Full name of the accused)..... who is charged under Section and who has been ordered to be released on bail in the sum of Rs..... (in words) with the Surety/sureties in the like amount, by the Judge/Magistrate, on 20

2 I give below certain particulars concerning myself:

(A) Full name of the Surety :
 Qualifications, if any :
 Full residential address :
 Period for which Surety has been residing at :
 the above address :
 Rent paid for the residence :
 Whether the rent bill/property tax receipt of :
 the residence stands in the Surety's name :

(B) Occupation or business :
 Full business address :
 Nature and extent of business and surety's :
 share therein :
 Rent paid for the place of business :
 Whether the rent bill/property tax receipt of :
 the place of business stands in the Surety's :
 name :

- (C) Name and address of the employer, if the :
Surety is in service
Full address of the place of service :
Amount of monthly pay and allowances :
drawn
Length of service with the employer :
Amount of Provident Fund; if any, at :
Surety's credit
- (D) Full particulars of house property owned, if :
any, its location, rateable value and the
Surety's share or interest therein and
whether it is in any way encumbered.
- (E) Amount of Income Tax paid during each of :
the last three years
Banking accounts, if any :
Amounts now lying in each Banking :
account:
- (F) Length of time for which the Surety has :
known the Accused personally
Whether the surety is related to the :
Accused, if so, how?
Whether the Surety has stood surety for any :
other person in the preceding six months.
If so, state the names of the parties; the
amount for which the Surety has stood
surety for them: the Court and the number
of the case against those accused; and
whether the case or cases against those
persons are pending or have concluded;
Whether the Surety has, at any time, made :
an application for suretyship which was
rejected, if so, give the particulars thereof;
Whether the surety is (or has been) involved :
in any Civil litigation.
Whether the Surety himself has been :
concerned in any case as an accused person,
if so, give particulars of the case.
- (G) Any other particulars in regard to the status :
of the Surety or his income and assets,
which the Surety may desire to give:

- 3 I produce the following proof in support of my statements and give particulars of the same as below

Rent bills of place of residence, Ration Card, Rent bills of place of business

Deed of partnership or other documents relating to business, Certificate from the employer, Certificate of amount in the Provident Fund, Title Deeds of properties, Municipality/Panchayat bills of the Properties, Bank pass books, Income Tax payment receipts

Other proof

- 3A As per sub-rule (4) of rule 14, I produce one of the following documents mentioned below:

(i)Passport

(ii)Identify card issued by the Election Commission of India

(iii)Permanent Account Number Card i.e., PAN Card issued by the Income Tax Department

(iv)ATM /Debit Card or Credit Card issued by any Nationalised or Private Bank of standing at the National Level, having photograph of the holder thereon may be accepted in conjunction with any other authentic document like telephone bill or electric bill as proof of residential address.

(v) Identity Card issued by the Government Authorities or the Public Statutory Corporations.

(vi)Any such document, which is ordinarily issued by an Authority after due verification of the identity of the person and his address, which the Judge or the Magistrate may think just and proper, in the interest of justice, by recording specific reasons.

- (3B) As per sub-rule (6) of Rule 14, I produce two copies of my latest passport size photograph.

4 I hereby declare that I have not stood surety before/stood surety for person
(give all the relevant particulars)

5 I pray that I may be accepted as a Surety for the above mentioned accused in the sum of Rs..... (in words)

Solemnly affirmed at this..... day of 20

Identified by:

Before me:

(Signature of Surety Advocate)

Signature of Surety

Judicial Form No. 47
(See Rule 300)

**WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED
PERSON ADMITTED TO BAIL**

(Section 446, Cr.P.C.)

IN THE COURT OF

Case No.....of 20....

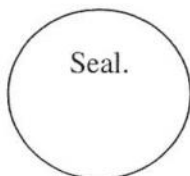
To

The Superintendent/Officer-in-charge of the Civil Prison at

Whereas of has bound himself as a surety for the appearance ofand the said.....has therein made default whereby the penalty mentioned in the bond has been forfeited to the State and whereas the said has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of movable property of his, and an order has been made for his imprisonment in the Civil Prison for

This is to authorize and require you, the said Superintendent/Officer-in-charge to receive the said into your custody with this warrant and safely to keep him in the said prison, for the said period of and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and seal of the Court, this day of 20...



Judge/Magistrate

Descriptive roll.

- 1.Name.
- 2.Father's name.
- 3.Sex, married or single.
- 4.Race, Religion and Caste.
- 5.Previous occupation.
- 6.Age,
- 7.Descriptive marks.

**Diet-*

(a) the diet to which the prisoner was accustomed according to his own statement

(b) the diet recommended by the Sessions Judge/ Magistrate.....

(c) brief reasons if rice or wheat is recommended.

The distance from the prisoner's residence to the nearest railway station / Prison is kms.

The distance (a) by bus from the nearest railway station/prison to the bus stand nearest to the Prisoner's residence is kms. (b) from the bus stand nearest to the prisoner's residence to his residence iskms.

The amount of bus fare under (a) above is Rs.....

Details of the property on the person of the prisoner.

Judge/Magistrate

NOTE: In filling up the particulars under the head "5. Previous Occupation" in respect of females, Courts shall use the same classes of previous occupation as are adopted for males.

*Particulars to be entered in the Session Judges/Magistrate's own handwriting.

Judicial Form No. 48

(See Rule 300)

**WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE
PEACE OR TO BE OF GOOD BEHAVIOUR OR TO APPEAR BEFORE
A COURT**

(Section 446, Cr.P.C.)

IN THE COURT OF THEMAGISTRATE OF

Case No..... of 20....

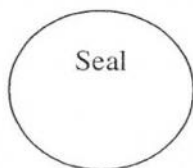
To

The Superintendent/Officer-in-charge of the Civil Prison at

Whereas proof has been given before me and duly recorded that has committed a breach of the bond entered into by him to be of good behavior/to keep the peace (or to appear before the Court of on) whereby he has forfeited to the State the sum of Rupeesand whereas the said has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property and an order has been made for the imprisonment of the said in the Civil Prison for the period of

This is to authorize and require you, the said Superintendent/Officer-in-charge of the said Civil Prison to receive the said into your Custody, together with this warrant, and safely to keep him in the said Prison for the said period of and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and seal of the Court, this ... day of20..

*Magistrate.*

Descriptive roll.

- 1.Name.
- 2.Father's name.
- 3.Sex, married or single.
- 4.Race, Religion and Caste.
- 5.Previous occupation.
- 6.Age,
- 7.Descriptive marks.

**Diet-*

- (a) the diet to which the prisoner was accustomed according to his own statement
- (b) the diet recommended by the Sessions Judge/ Magistrate.....
- (c) brief reasons if rice or wheat is recommended.

The distance from the prisoner's residence to the nearest railway station / Prison is kms.

The distance (a) by bus from the nearest railway station/prison to the bus stand nearest to the Prisoner's residence is kms. (b) from the bus stand nearest to the prisoner's residence to his residence iskms.

The amount of bus fare under (a) above is Rs.....

Details of the property on the person of the prisoner

Magistrate.

NOTE- In filling up the particulars under the head "5. Previous Occupation" in respect of females, Courts shall use the same classes of previous occupation as are adopted for males.

*Particulars to be entered in the Magistrate's own handwriting.

Judicial Form No.49

(See Rule 300)

**WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD
BEHAVIOUR OR TO KEEP THE PEACE**

(Section 446, Cr.P.C.)

IN THE COURT OF THE MAGISTRATE OF

Case No. of 20....

To

The Superintendent/Officer-in-charge of the Civil Prison at

Whereas, did, on the day of 20, give security by bond in the sum of Rupees that should be of good behaviour/keep the peace and proof of the breach of the said bond has been given before me and duly recorded whereby the said has forfeited to the State the sum of Rupees..... and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property and an order has been made for the imprisonment of the said in the Civil Prison for the period of

This is to authorize and require you, the said Superintendent/Officer-in-charge to receive the said into your custody together with this warrant and safely to keep him in the said Prison for the said period of returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 20...



Magistrate

Descriptive roll

- 1.Name
- 2.Father's/Husband's Name
- 3.Sex, Married or Single
- 4.Race, religion and caste
- 5.Previous occupation
- 6.Age
- 7.Descriptive marks

Descriptive marks.

**Diet-*

- (a) the diet to which the prisoner was accustomed according to his own statement
- (b) the diet recommended by the Sessions Judge/ Magistrate.....
- (c) brief reasons if rice or wheat is recommended.

The distance from the prisoner's residence to the nearest railway station / Prison is kms.

The distance (a) by bus from the nearest railway station/prison to the bus stand nearest to the Prisoner's residence is kms. (b) from the bus stand nearest to the prisoner's residence to his residence iskms.

The amount of bus fare under (a) above is Rs.....

Details of the property on the person of the prisoner

Magistrate.

Note – In filing up the particulars under the head “5. Previous Occupation” in respect of females, Courts shall use the same classes of previous occupation as are adopted for males.

*Particulars to be entered in Magistrate's own handwriting

Judicial Form No.50

(See Rule 300)

BOND FOR RETURN OF PROPERTY

[Sections 451 and 452, Cr.P.C.]

IN THE COURT OF THE SESSIONS JUDGE/MAGISTRATE OF

Calendar / Sessions Case No. of 20...

State represented by the

versus

Complainant

.....

Accused

Whereas, I,, S/o, residing at, have received the property or documents noted below in pursuance of the order of the Court dated..... and hereby bind myself that I will return the said property or documents to the Court when called on to do, if order passed in the case is modified or set aside on appeal; and in the case of my default herein, I, bind myself to forfeit to the State the sum of Rupees.

*Signature**EXECUTED BEFORE ME**Presiding Officer/Judge/Magistrate*

Whereas has received the property or documents Noted below in pursuance of the order of the Court, dated

We (1) residing at and (2) residing at hereby bind ourselves jointly and severally that the said will return the said property or document to the Court when called on to do, if the order passed in the case is modified or set aside on appeal; and in the case of the said making default herein, we, the said (1) and (2) bind ourselves jointly and severally to forfeit to the State the sum of Rupees.

Signature (1).....

(2).....

List of properties or documents:

.....

Executed before me.

Presiding Officer/ Judge/Magistrate

Station :

Date: 20..

Judicial Form No.51

(See Rule 300)

NOTICE

(Section 452, Cr.P.C.)

IN THE COURT OF THE MAGISTRATE OF

In C.C.No.of 20..

To

.....

Notice is hereby given that the undermentioned property is ordered by the Court of to be restored to you and that you should appear and take of it at an early date.

Description of the property

Dated the day of20

Magistrate

Judicial Form No.52

(See Rule 300)

PROCLAMATION RELATING TO UNCLAIMED PROPERTY**(TO BE ISSUED UNDER SECTION 457, CR.P.C.)**

PROCLAMATION is hereby made thathas been seized under the provisions of section of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) at the house ofin the street of in the village / town ofand is now lying at in charge of

Any person having a claim to the aforesaid property is hereby required to appear before me and establish the same within six months of this date, failing which the said property will be held at the disposal of Government and will be sold.

Dated the day of20...

Magistrate

Judicial Form No.53

(See Rule 42)

DEPOSITION OF WITNESS**(Chapter XXIII, Cr.P.C.)****IN THE COURT OF**

Calendar	}	Case No..... of 20..
Miscellaneous		
Preliminary Register		
Sessions		

Depositions ofwitness for	{	Prosecution
		Defence
		Court

Name

Father's name

Village

Taluk

Caste

Calling

Religion

Age

Solemnly affirmed in accordance with the provisions of the Oaths Act, 1969 (Central Act 44 of 1969) on the day of 20....

Signature of witness

Name of the Interpreter:

Solemnly affirmed in accordance with the provisions of the Oaths Act, 1969
(Central Act 44 of 1969) on the day of 20....

Signature of Interpreter

Judicial Form No.54

(See Rule 300)

**FORM OF ORDER FOR DETENTION OF YOUTHFUL/ADOLESCENT
OFFENDERS IN CERTIFIED/BORSTAL SCHOOLS**

It is hereby found that (name of the offender) convicted by the
..... Law and sentenced to imprisonment is a youthful/adolescent offender
under years of age.

He is hereby directed to be sent to a Junior/Senior/Borstal Certified School and
to be there detained for a period of years.

Descriptive roll.

1. Name:
2. Father's name/Husband's name
3. Sex, married or single.
4. Race, religion and caste.
5. Previous occupation.
6. Age
7. Descriptive marks

NOTE:- At least three marks of identification must be given.

Dated this the day of 20.....



Sessions Judge/Magistrate

Judicial Form No. 55

[See Rules 201 and 204(C)(4)]

ORDER FOR PAYMENT OF COMPENSATION MONEY

I,, Magistrate of, hereby certify that complainant in Calendar Case No..... of, on the file of my Court, is entitled to receive payment of Rs..... from Treasury, being the amount of compensation awarded to him under Section of from the fine imposed on the prisoner in the said case and remitted into the above Treasury onin Challan No.

I further certify that:

1 the sentence and award are not subject to appeal, the award has been confirmed by the Appellate Court, the order as to compensation has been modified on appeal and the payment order is in conformity with such order,

and

2 that no order has been received from the Court of Revision modifying or reversing the order of compensation

or

the order has been modified in revision and the payment order is in accordance with such order on revision.

Dated day of..... 20...

Magistrate

Judicial Form No. 56**(See Rules 70 and 74)****MEMORANDUM**

Sentenced to..... year's / month's rigorous imprisonment and to pay a fine of Rs.....and in default of payment to..... year's / month's further rigorous imprisonment.

With reference to the warrant issued by this Court, dated theday of 20...., directing the execution of the marginally noted sentence passed on prisoner in Calendar Case No.of 20...., intimation is hereby given that the sum of Rupees being the whole/part of the fine imposed on the said..... has been realized. Receipt of this intimation should be acknowledged and the information endorsed on the warrant.

Dated20....

*Sessions Judge/
Magistrate*

To

The Superintendent of the Prison, at.....

Judicial Form No.57

[See Rule 30(5)]

**LETTER ACCOMPANYING A RECORD AND MEMORANDUM OF
ACKNOWLEDGMENT***D. No..... of dated the 20..*

From

To

Sir,

I am to forward / return herewith by* the original record of the case, noted on the margin, + called for in/received with your No..... dated the

Signature and designation of the Officer.

Memorandum of acknowledgment

Received the record forwarded with letter No..... dated..... of 20...
from theof

Signature and designation of Receiving Officer.

Dated:.....20... .

* Here state the method of despatch.

+ Note also on the margin, the number of files and pages in each file.

Judicial Form No.58

See Rule 264 (11)

NOTICE TO TAKE BACK DOCUMENTS

IN THE COURT OF.....

Case No.....of 20...

of Complainant/Appellant

versus

of Accused/Respondent

The parties in the above case are hereby required to take back into their custody within six months from the date hereof, the documents now in the custody of Court filed by them as evidence in the above case, the Judgment (or order) now having become final. The parties are hereby informed that the documents are kept at their own risk, that the Court, from this date declines all responsibility for their safe custody and that, if not taken back, they will be destroyed when the record is destroyed.

Theday of20....

Presiding Officer

To

.....

Judicial Form No.59

[See Rule 276 (2)]

**COURT'S CERTIFICATE TO BE GIVEN TO GOVERNMENT OR LOCAL
FUND SERVANTS WHO ATTEND COURT AS WITNESSES**

IN THE COURT OF.....

Certified that * + appeared before me as a witness on behalf of in a Civil/Criminal Case for days from to in his ¥ capacity to depose to facts within his knowledge and that he has been paid \$ the undermentioned allowances:-

As travelling allowance Rs.....

As subsistence allowance Rs.....

Date.

Presiding Officer of the Court

Note: (1) Government officers summoned to give evidence in their private capacity, i.e., to depose to facts not coming to their knowledge in the course of their official duties or with which they have not had to deal officially, are not entitled to travelling allowance from Government.

(2) In civil cases to which the State is not a party, official witnesses appearing at the instance of a private party will be paid by the party through the Court and the fact certified as in the case of a payment by the State.

* Name

+ Designation

¥ Here state whether official or Private

\$ If nothing is paid under either head, it should be clearly stated.

Judicial Form No.60

(See Rules 81 and 82)

CALENDAR AND JUDGMENT

(For use in cases where there is one or more accused person)

District of.....

Calendar of cases tried by the Metropolitan/Judicial Magistrate of Egmore / George Town / Saidapet /

Date of							Explanation of delay and remarks
Offence	Report or Complaint	Apprehension of accused	Release on bail	Commencement of trial	Close of trial	Sentence or order	

Judgment in Calendar Case No..... of 20....., on the file of theMetropolitan Magistrate of Egmore/George Town/ Saidapet, Chennai /..... Magistrate of

Complainant

Name of accused	Age	Father's Name
	Yrs.	

Caste or religion	Calling	Residence	Taluk

Offence-

Finding-

Sentence-

Date of Receipt-

Magistrate

From

TheMagistrate of

Remarks of the Chief Judicial Magistrate /
Chief Metropolitan Magistrate

To

The District and Session Judge/

The Principal Judge

Through

The Chief Judicial Magistrate /
Chief Metropolitan Magistrate

Calendar Case No. of 20..

Date of Judgment

Date of despatch of Calendar

Date of receipt

Date of Despatch:

Date of Receipt:

*Remarks of the Chief Judicial Magistrate /
Chief Metropolitan Magistrate*

Reply of the Magistrate,

Date of Despatch:

Date of Receipt:

Judicial Form No.61

(See Rule 106)

IN THE COURT OF THE.....

JUDGMENT IN SESSIONS / CALENDAR CASE No..... of
ON THE FILE OF THE SESSIONS COURT/MAGISTRATE OF

Complainant -

Accused -

Offence -

Finding -

Sentence -

Serial number	Description of the accused					
	Name	Father's name	Caste or race	Occupation	Residence	Age
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Date of							Explanation of delay
Occurrence	Complaint	Apprehension or appearance	Release on bail	Commencement of trail	Close of trail	Sentence or order	
(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)

Judge/Magistrate

Judicial Form No.62

(See Rule 138)

IN THE COURT OF

The..... day of20....

PRESENT:-

Sessions Judge/Magistrate

Judgment in Criminal Appeal No..... of

From what Court the Appeal is preferred :

Number of the Case in that Court :

Number of the Appeal :

Name and description of the Appellant :

The sentence and law under which it was imposed in the lower court:

Whether confirmed, modified or reversed; and if modified the modification:

Date of, or on which						
Presentation	Filing	Notice issued by Court to appear	Bail bond if appellant has been let out on bail	Appellant ordered to appear	Hearing	Order

This appeal coming on for hearing before me, upon perusing the petition of appeal and the record of the evidence and proceedings, and upon duly considering the same after hearing the, I do adjudge and pass the following

JUDGMENT

Judicial Form No. 63

[See Rule 252 (6)(i)]

INDEX

IN THE COURT OF SESSION DIVISION

SESSIONS CASE No..... of 20...

English part of Sessions record

Serial No.	Description of paper	Page
1	The Charge	
2	The plea of the accused	
	(1)	
	(2)	
3	Record of oral evidence for prosecution -	
	• First witness	
	• Second witness	
	• Third witness	
4	Examination of accused	
5	Record or oral evidence for defence—	
	• First witness	
6	Exhibits—	
	(a) Documents used in evidence	
	A.—	
	B.—	
	(b) Material objects produced in evidence,	
7	Judgement	
8	Other miscellaneous papers :	

Dated :

Sessions Judge

Judicial Form No. 64
[See Rule 254 (2)]

LIST OF MATERIAL OBJECTS

IN THE COURT OF SESSION, DIVISION.

Sessions Case No.of 20.....

(P.R.C. No.of 20... on the file of the Magistrate,.....)

Mark given in the Sessions Court	Mark Given in the Order of commitment	Item of reference in the letter to the Chemical Examiner (vide Exhibit)	Item of reference in the letter to the Serologist (vide Exhibit)	Mark given by the Serologist	Description	Remarks
1	2	3	4	5	6	7

Sessions Court

Serishtadar.

NOTE:

- (a) The list should include all objects exhibited in the Sessions trial.
- (b) Every object should have affixed to it a label containing a brief description and the mark assigned to it in the Sessions Court. The label should be pasted on or securely fastened to the object. Each object should be kept in a separate cover or other receptacle.
- (c) The description in column 6 should be sufficiently full to secure easy identification.
- (d) Weapons should be accurately described by their specific names.
- (e) Valuables should be sent separately by *insured post*.
- (f) Under column 7, it should be explained where or from whom the object is alleged by the prosecution to have been recovered.
- (g) The pasting of labels or the packing should not interfere with the marks of blood, etc., and detract from the probative value of the object.

Judicial Form No. 65

[See Rule 252(6)(ii)]

INDEX

IN THE COURT OF SESSION,DIVISION

Session Case No.of 20....

(Part of Sessions Records in Regional Language)

S.No.	Description of paper	Page
1	The Charge	
2	The plea of the accused	
	(1)	
	(2)	
3	Record of oral evidence for prosecution -	
	• First witness	
	• Second witness	
	• Third witness	
4	Examination of accused	
5	Record or oral evidence for defence—	
	• First witness	
6	Exhibits—	
	(a) Documents used in evidence	
	A.—	
	B.—	
	(b) Material objects produced in evidence,	
7	Judgement	
8	Other miscellaneous papers :	

*Dated:20... .**Sessions Judge*

Judicial Form No. 66
(See Rule 300)

WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH.

To

The Superintendent (or Keeper) of thePrison at.....

Whereas at the Session held before me on the day of 20..., the Prisoner in Case No.....of the Calendar 20... at the said Session (Crime No.....of.....Police Station) was duly convicted of the offence of culpable homicide amounting to murder under Section of the Indian Penal Code and sentenced to suffer death subject to the confirmation of the said sentence by the High Court of Judicature at Madras;

This is to authorize and require you (the said Superintendent or Keeper) to receive the said into your custody in the said Prison together with this warrant and keep him there safely until you shall receive the further warrant or order of this Court, carrying into effect the order of the said High Court.

Descriptive roll.

- 1 Name.
- 2 Father's name/ Husband's name
- 3 Sex, married or single.
- 4 Race, religion and caste.
- 5 Previous occupation.
- 6 Age.
- 7 Descriptive marks.

(NOTE — At least three identification marks must be given.)

Given under my hand and seal of the Court, this day of 20...



Sessions Judge

NOTE — In filling up the particulars under the head “5. Previous Occupation” in respect of females, Courts shall use the same classes of previous occupation as are adopted for males.

Judicial Form No.67

(See Rule 300)

SUBPOENA TO WITNESS (ON COMMISSION)

IN THE METROPOLITAN MAGISTRATE'S COURT,
Egmore/George Town/Saidapet, Chennai

No..... of

No.

To

.....

Whereas a Commission has been duly issued from theof
.....requesting the Metropolitan Magistrate of Chennai to examine you on certain
interrogatories accompanying the said Commission and connected with a case of
..... pending before the

You are hereby summoned to appear before this Court on the day of 20..
next at 11 o'clock in the forenoon to be examined as aforesaid.

Given under my hand and the seal of the Court, this day of
20

(By order of the Court)



Head Ministerial Officer

Judicial Form No.68

(See Rule 49)

EXHIBITS INDEX

IN THE COURT OF

Case No..... of 20.....

S.No. of the exhibit	Description of the exhibit and its date	Date, when the exhibit was filed in the case	How marked	By whom filed	Remarks

Judicial Form No. 69

(See Rule 300)

CHIEF METROPOLITAN MAGISTRATE'S COURT, EGMORE, CHENNAI

Date:.....

CERTIFICATE

Certified that Sri declared before me on as Publisher of (language) (periodical) entitled under Section 5 of the Press and Registration of Books Act, 1867 (Central Act 25 of 1867).

Chief Metropolitan Magistrate

To

.....

Judicial Form No.70

(See Rule 58)

**REGISTER OF PROPERTIES DEPOSITED IN THE
METROPOLITAN MAGISTRATE COURT, EGMORE/GEORGETOWN/SAIDAPET, CHENNAI**

Date of receipt	Number of the case to which the property relates	Designation of the Court from which the property has been received	Description of the property	Initials of the Cashier in token of receipt	Manner of disposal	Signature of the party to whom the property is delivered	Initials of Magistrate for final disposal	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Judicial Form No.71

[See Rule 27(4)]

IN THE COURT OF

Case No..... of

Petitioner/Accused/Appellant

vs.

Respondent/Complainant/Respondent

MEMORANDUM OF APPEARANCE

I/We declare that I/We have been duly instructed to appear on behalf of the above named petitioner/accused/appellant in this case.

Station:

Dated: _____ Counsel for petitioner/accused/appellant

Address for service with
Enrolment No., mobile
number and email id

Name and address of the
party with mobile no.

Judicial Form No.72

[See Rule 27(6)]

VAKALATHNAMA

IN THE COURT OF

Case No. of

Petitioner/Accused/Complainant

vs.

Respondent/Complainant/Accused

I/we do hereby appoint and retain Mr./Ms./Mrs./M/s. to appear for me/us in the above case on my/our behalf and to plead and I/we further empower him/her/them to accept on my/our behalf, service of notice of all proceedings in the above case, until disposal of the case.

[Signature/LTI of the Accused/
Complainant/Respondent]

I certify that the contents of this Vakalatnama were read over and explained in (state the language) in my presence to the Executant who appeared perfectly to understand the same and made his/her/ their signature in my presence .

Executed before thisday of 20...

[Signature & Enrollment No.]

*I / We accept the Vakalathnama.**[Advocate]*

The address for service of the advocate with Name and address of the party(ies) with
Enrolment No., Mobile No. and email id. Mobile No. and email id, if any & any
Identity Card No.

Judicial Form No.73

[See Rule 27(11)]

SPECIAL VAKALATHNAMA

IN THE COURT OF

Case No. of

Petitioner/Accused

vs.

Respondent/Complainant

I / We, the accused in the above case, do hereby appoint and retain Mr./Mrs./Ms./M/s. to appear and to plead guilty to the charge on my / our behalf / any of the acts on my / our behalf and to pay the fine under Section 206 Cr.P.C.

[Signature / LTI of the Accused]

I certify that the contents of this Special Vakalathnama were read over and explained in (state the language) in my presence to the Executant who appeared perfectly to understand the same and made his/her/ their signature in my presence.

Executed before thisday of 20. . . .

Signature & Enrollment No. of attesting advocate

I / We accept the Special Vakalathnama.

[Advocate & Enrollment No.]

The address for service of the advocate with Enrolment No., Mobile No. and email id.	Name and address of the party(ies) with Mobile No. and email id, if any and any identity Card No.
---	---

Judicial Form No.74
(See Rules 22 and 24)
Bond under Section 88 Cr.P.C.

IN THE COURT OF THE

Case No..... of.....

I,, S/o / D/o / W/o residing at
(address), having appeared before this Court on receipt of summons, do hereby bind myself to attend this Court or any other Court to which the case may be transferred for trial and to continue so as to attend until otherwise directed by the Court, and, in case of my making default herein, I bind myself to forfeit to the State, the sum of Rs.....

Dated this day of 20....

Signature

Executed before me.

Presiding Officer/Judge/Magistrate

I/We do hereby declare myself/ourselves as surety/sureties for the above named
....., S/o / D/o / W/o residing at (address) that
he/she shall attend before this Court or any other Court to which the case may be transferred
for trial and to continue so as to attend until otherwise directed by the Court, and, in case of
his/her making default therein, I/we hereby bind myself/ourselves jointly and severally, to
forfeit to the State, the sum of Rs.....

Dated this day of 20....

1.....

2.....

Signature of the sureties

Executed before me

Presiding Officer/Judge/Magistrate

Judicial Form No.75
(See Rule 24-N.B. 2)

Bond under Section 437-A, Cr.P.C.

IN THE COURT OF THE

Case No.....

I,, S/o/D/o/W/o residing at (address), hereby appearing before this Court for trial/appeal, do hereby bind myself to appear before the higher Court as and when such Court issues notice in respect of any appeal or petition filed against the judgment of this Court, and, in case of my making default herein, I bind myself to forfeit to the State the sum of Rs.....

Dated this day of 20.

Signature

Executed before me

Presiding Officer/Judge/Magistrate

I/We do hereby declare myself/ourselves as surety/sureties for the above named, S/o / D/o / W/o residing at (address) that he/she shall attend before the higher Court as and when such Court issues notice in respect of any appeal or petition filed against the judgment of this Court, and, in case of his/her making default therein, I/we hereby bind myself/ourselves jointly and severally, to forfeit to the State, the sum of Rs.....

Dated this day of 20.....

1.....

2.....

Signature of the sureties

Executed before me

Presiding Officer/Judge/Magistrate

P.S.: This bond shall be in force for six months from the date of its execution.

Judicial Form No. 76

[See Rule 252(15)]

**IN THE HIGH COURT OF JUDICATURE (PRINCIPAL SEAT) AT MADRAS/
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(CRIMINAL JURISDICTION)**

Criminal Appeal No..... of

in

Case No..... of

(on the file of the Court,)

.....

Appellant

vs.

.....

Respondent

MEMORANDUM TO SUBMIT RECORDS

The Judge/Magistrate is requested to submit to the High Court, with the least possible delay, the material part of the records in Case No..... of on his file and is further requested to submit charges, deposition of witnesses, statement under Section 313 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and judgment, if available, as soft copy, by email to the High Court as well in the form of compact disc (CD)/digital versatile disc (DVD) or any other device, for consideration in Criminal Appeal No..... of on the file of the High Court. The Judge/Magistrate is also requested to send photocopy of the material records duly certified in all pages by the Head Clerk to be true photocopy.

High Court of Judicature, Madras/
Madurai Bench of Madras High Court

Sub Assistant Registrar
(Criminal Side)

Date:...../...../.....

To

The Judge/Magistrate

.....

Judicial Form No. 77

[See Rule 252 (15)]

IN THE HIGH COURT OF JUDICATURE (PRINCIPAL SEAT) AT MADRAS/
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(CRIMINAL JURISDICTION)

Criminal Revision Case No..... of

in

Case No..... of

(on the file of the Court,)

.....

Petitioner

vs.

.....

Respondent

MEMORANDUM TO SUBMIT RECORDS

The Judge/Magistrate is requested to submit to the High Court, with the least possible delay, the material part of the records in Case No..... of on his file and is further requested to submit charges, deposition of witnesses, statement under Section 313 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and judgment, if available, as soft copy, by email to the High Court as well in the form of compact disc (CD)/digital versatile disc (DVD) or any other device, for consideration in Criminal Revision Case No..... of on the file of the High Court. The Judge/Magistrate is also requested to send photocopy of the material records duly certified in all pages by the Head Clerk to be true photocopy.

High Court of Judicature, Madras/
Madurai Bench of Madras High Court

Sub Assistant Registrar
(Criminal Side)

Date:...../...../.....

To
The Judge/Magistrate

.....

Judicial Form No. 78

[See Rule 293]

LIST OF DOCUMENTS FILED U/S 294(2) OF THE CODE

1	Calendar Case No.	:	
2	Name of the Court	:	
3	Name of Police Station	:	
4	Crime Number	:	
5	Station House Officer	:	
6	Name of accused	:	

The prosecution / accused in the above case proposes to adduce in evidence several documents specified in the table below:

S. No.	Nature of document	Date of document	Whether original or copy	If copy, reason for not producing original	By whom produced	Other remarks, if any

Signature of counsel for Prosecution/Accused

Judicial Form No. 79

[See Rule 31(8)]

**FORM OF COMMUNICATION REGARDING ARREST AND DETENTION OF A MEMBER
OF PARLIAMENT OR STATE LEGISLATURE**

Place:.....

Date:.....

To

The Speaker, Lok Sabha, New Delhi/

The Chairman, Rajya Sabha, New Delhi/

The Speaker, Tamil Nadu Legislative Assembly, Chennai/

The Speaker, Puducherry Legislative Assembly, Puducherry

Dear Mr. Speaker/Mr. Chairman,

I have the honour to inform you that I have found it my duty, in the exercise of my powers under Section of the Act to direct that Mr./Ms./Mrs....., Member of the Lok Sabha/Rajya Sabha/Legislative Assembly, be arrested/detained for (reasons for the arrest or detention, as the case may be).

Mr./Ms./Mrs..... M.P./M.L.A. was accordingly arrested/taken into custody at (time) on (date) and is at present lodged in the Prison, (place).

Yours faithfully,

Judge/Magistrate/Executive Authority

Judicial Form No. 80

[See Rule 31(8)]

**FORM OF COMMUNICATION REGARDING CONVICTION OF A MEMBER OF
PARLIAMENT OR STATE LEGISLATURE**

Place:.....

Date:.....

To

The Speaker, Lok Sabha, New Delhi/

The Chairman, Rajya Sabha, New Delhi/

The Speaker, Tamil Nadu Legislative Assembly, Chennai/

The Speaker, Puducherry Legislative Assembly, Puducherry

Dear Mr. Speaker/Mr. Chairman,

I have the honour to inform you that Mr./Ms./Mrs....., Member of the Lok Sabha/Rajya Sabha/Legislative Assembly, was tried at the Court before me on (a) charge(s) of (reasons for the conviction).

On (date), after a trial lasting for days, I found him guilty of and sentenced him to imprisonment for (period).

His application for leave to appeal to (Name of the Court) is pending consideration.

Yours faithfully,

Judge/Magistrate

Judicial Form No. 81

[See Rule 31(9)]

**FORM OF COMMUNICATION REGARDING RELEASE OF A MEMBER OF
PARLIAMENT OR STATE LEGISLATURE**

Place:.....

Date:.....

To

The Speaker, Lok Sabha, New Delhi/

The Chairman, Rajya Sabha, New Delhi/

The Speaker, Tamil Nadu Legislative Assembly, Chennai/

The Speaker, Puducherry Legislative Assembly, Puducherry

Dear Mr. Speaker/Mr. Chairman,

I have the honour to inform you that Mr./Ms./Mrs....., Member of the Lok Sabha/Rajya Sabha/Legislative Assembly, who was convicted on (date) and imprisoned for (period) for(reasons for conviction) was released on bail pending prosecution/trial/appeal (or released on the sentence being set aside on appeal as the case may be) on (date).

Yours faithfully,

Judge/Magistrate/Executive Authority

Judicial Form No. 82

[See Rule 257(1)]

PANCHANAMA

In the Court of the,

Case No. of

Name of Police Station :

Crime Number :

Offence under Section :

Name of the accused, if any :

Seized on :

Received on :

The undermentioned articles/properties/vehicles which are produced by the police, are checked, received and entered in the Property Register in Administrative Form No.19 (C.R. No.19) (in case of Judicial Magistrate Court) or in Judicial Form No.70 (in case of Metropolitan Magistrate Court) as Item No. of 20..... and they have been photographed.

GOLD JEWELLERY/SILVER ARTICLES:

S.No.	Description	Weight assessed by Appraiser (gms.)

OTHER ARTICLES:

S.No.	Description

VEHICLES:

Registration No.	:	
Engine No.	:	
Chassis No.	:	
Insurer's name	:	
Insurance Policy No.	:	

Other remarks :

Dated this day of 20....

Signature of witness with name & address:

1.....

2.....

Magistrate

Judicial Form No. 83

[See Rule 6(13)]

Form of order for the Transit of an accused person

To

The Deputy Superintendent/Inspector of Police

..... Police Station

..... District, State

Whereas it appears that a charge against(name of the accused) of an offence(s) under Section of the is/are under investigation by the police under the provisions of Chapter XII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) that such investigation cannot be completed within the period of 24 hours fixed by section 57 of the said Code, and that there are grounds for believing that the accusation/information against the said person is well founded and the accused having been duly produced before this Court today, and this is to authorise you to take the said (name of the accused) in custody for days for being produced before the Court sitting at on the day of 20.. at o' clock.

DESCRIPTIVE ROLL

- 1 Name
- 2 Father's / Husband's name
- 3 Sex – Married or Single
- 4 Race, Religion and Caste
- 5 Previous occupation
- 6 Age
- 7 Descriptive marks:
 - 1.
 - 2.
 - 3.

Given under my hand and the seal of the Court, this day of 20....



Judicial Magistrate

.....

Judicial Form No. 84

[See Rule 6 (13)]

From

Thiru./Tmt.....

Judicial Magistrate

.....

To

The

.....

..... District

..... State

D. No..... / 20.... dated / / 20....

Sir/Madam,

Sub: Cases – Criminal – Crime No..... / 20.... of Police Station – Offence(s) u/s of - Accused S/o / W/o - Produced before this Court on (date) - Ordered to be produced before the Court at on (date) – Transit Warrant – Sent – Regarding.

Ref.: Requisition of the Deputy Superintendent/Inspector of Police, Police Station, District, State.

- - - -

I am to state that the accused, S/o / W/o residing at concerned in Crime Number / 20.... of Police Station of an offence u/s of the Act has been produced before me today at ... o' clock and the said accused is handed over to the Deputy Superintendent/Inspector of Police, Police Station for days for being produced before the Judicial Magistrate, on (date) without fail, for taking further action at your end.

The fact of the production of the said accused may be intimated to this Court forthwith.

Yours faithfully,

Judicial Magistrate

.....

Encl.: Requisition for remand and connected papers duly indexed
(Pages 1 to)

[illegible]

Administrative Form No.2
(See Rule 118)

CRIMINAL REGISTER NO.2

REGISTER OF APPEAL CASES RECEIVED

Number of appeal	From what Court with number of the case in that court	Name and rank of appellant in the lower court	Sentence or order appealed against and law under which it was passed	DATE OF				Date of delivery of record into Record Keeper's initials	Remarks
				Presentation of appeal	Hearing	Order	Result		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Instructions

1. The despatch seal should be obtained in the last column of the register in token of transmission to the Chief Judicial Magistrate of copies of judgments in appeal cases.
2. The register should be checked by the Presiding Officer every month and omissions rectified.

Administrative Form No.3

[See Rule 118]

CRIMINAL REGISTER NO.3

REGISTER OF REVISION CASES ENTERTAINED

Number of revision case	Whether taken up <i>suo</i> <i>motu</i> or on application. If on the applicant and his position in the Lower Courts	If by petition, date of presentation thereof	From what Court with number of the case on the file of that court	Nature and date of disposal	If referred to High Court, order of High Court with number on its file and date	Date of delivery of record into record-room with record- keeper's initials	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Administrative Form No.4
(See Rule 62)

CRIMINAL REGISTER NO.4

REGISTER OF CALENDAR AND PRELIMINARY REGISTER CASES RECEIVED

Number of calendar cases	Name of complainant or station from which charge- sheet was received with date and number of charge-sheet	Number and name of accused	Offence complained of and section of law	DATE OF				Result	Date of delivery of record into record room with record- keeper's initials.	Remarks (if a case has been treated as long-pending one, note the fact here in red ink)
				Receipt of report or complaint	Apprehension of the accused or his appearance in court	Commencement of trial	Decision			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Instructions

- 1.The first few pages should be set apart for preliminary Register Cases which should be numbered separately from Calendar Cases. In murder cases, it should be stated in the remarks column whether the accused can afford to pay an advocate.
- 2.The despatch seal should be obtained in the last column of the register in token of transmission to the Chief Judicial Magistrate of copies of judgments and orders.
- 3.The register should be checked by the presiding Magistrate every month and omissions rectified.

Administrative Form No.5
(See Rule 62)

CRIMINAL REGISTER No.5

REGISTER OF MISCELLANEOUS AND MAINTENANCE CASES RECEIVED

Number	Name and residence of petitioner, if any or designation of officer by whom reported.	Name and residence of defendant	Section and chapter of the Criminal Procedure Code under which proceedings are instituted	Result	DATE OF			Date of delivery of record into record room with record-keeper's initials	Remarks
					Receipt of petition or report	Commence ment of inquiry	Order		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Instructions

1. This register should be maintained in two sections in all Courts. The first section should be called "Criminal Register No.5". This section should be restricted to cases under Sections 107 to 110, 145, 125, 126, 446, 340 and 360 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and the cases entered in this section should be shown as "*Miscellaneous Cases*".
The second section with the same headings as in Criminal Register No.5 should be opened and maintained for all proceedings other than those under Sections 107 to 110, 145, 125, 126, 446, 340 and 360 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974). The cases entered in this section should be marked as "*Miscellaneous Petitions*".
2. The despatch seal should be obtained in the last column of the register in token of transmission to the Chief Judicial Magistrate of copies of judgments and orders.
3. The registers should be checked by the presiding Magistrate every month and omissions rectified.

No. of the case	Date of receipt	Name of defaulter	Designation of Railway Official who lodged the complaint	Amount of fare ordered to be collected	Date of notice	Initials of the Magistrate	Amt. collected	Date of collection	Initials of the Magistrate	Date of remittance to railway	Initials of the Magistrate	Alternative sentence	Irrecoverable amounts written off		
													Amount	Date of Chief Magistrate's Sanction	Initials of the Magistrate
(1)	(2)	(3)	(4)	(5)	(5A)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)

Administrative Form No.7
(See Rule 67)

Criminal Register No.7

REGISTER OF RESULTS OF INQUIRIES AND TRIALS

Court –
Year –

Instructions

All cases disposed of, whether the accused appeared or not, should be entered in this register. Column (1) is simply intended to mark identity of the case and thus to prevent a repetition.

2. The fact of receipt by transfer or commitment or on reference should be noted in the remarks column.

3. This register is practically a ledger of offences. The heading of each page will be the particulars of the offence, and for this purpose the prescribed schedule of offences must be adhered to. One or more pages must be set apart for each offence or group of offences against which there is a head of crime shown in columns (5) (6) or (7) in the schedule, according as the experience of the Court may suggest as necessary for a year. Separate entry should be made in alphabetical order of each special or local law, other than the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) against which offences have been committed. Every person should be entered under the "Head of Crime" under which the Magistrate finally dealt with him. Where an accused is tried under more than one head of charge, he should be exhibited under the principal one only, unless he happens to be accused of entirely distinct offences supported by separate evidence, in which case the trials would be separate and results independent.

4. In the column of remarks, a note shall be made against every case in which the complainant was required to pay compensation to the accused under section 250 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), or the defendant, in addition to the punishment inflicted upon him, was required to give recognizance or security to keep the peace under sections 106 and 122 of the said Code, and in how many cases entered against heading 15, the orders of the Court of Session were taken under section 122 of the said Code.

5. Column (2) – The duration of cases will be calculated (1) in Magistrates' Courts from the earliest date of the apprehension of any of the accused or of his appearance in Court, whichever was the earlier and (2) in Courts of Session, from the date of the commitment of the accused. The duration of a case disposed of on the same day on which the accused appears, will be taken as one day only for the purpose of entries in this register. In all other cases, the date of appearance shall be excluded, e.g., if the case is disposed of on the next day, the duration will be only one day.

6. Column (25)- The number of witnesses required to attend in Court on more than three days whether consecutive or otherwise should be stated in this column.

Number of Head of Crime

Number of the case disposed of	(1)	Actual number of days during which the case in which accused persons appeared before the court lasted [not applicable to cases shown in column(6)]	(2)	CASES DISPOSED OF					NUMBER OF PERSONS				
				(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	On regular trial.	
				Complaints rejected under section 203, Cr.P.C.	By dismissal under section 204 (4) or by discharge or acquittal of accused under sections 256, 257, 249 and 320, Cr.P.C. before they appeared in Court.	Struck off as false.	By transfer, death or escape of accused.	Otherwise.	Brought for inquiry or trial.	Died, transferred or escaped.	Discharged or acquitted.	Youthful offenders dealt with under the Juvenile Justice (Care and Protection of Children) Act, 2015	
		</											

Nomenclature of offence

Nomenclature of offence	NUMBER OF PERSONS												Remarks			
	Number of witnesses															
	Convicted															
	On summary trial		Adult		Juvenile		Committed or referred.				Examined			Required to attend on more than three days		
Sentence passed	Released on probation , under section 360, Cr.P.C. *	Discharged after admonition	Delivered to parent or guardian, etc.	Male	Female	Male	Female	Male	Female	(21)	(22)	(23)	(24)		(25)	(26)
	(15)	(16)	(17)	(18)	(19)	(20)										

*Or under the Probation of Offenders Act, 1936 (Act III of 1937)

REGISTER OF PUNISHMENT

Nomenclature of offence

[illegible]

Number of persons sentenced to – cont.																	
Fine																	
Rs. 10 and under	Above Rs. 10 but not more than Rs. 50		Above Rs. 50 but not more than Rs. 100		Above Rs. 100 but not more than Rs. 500		Above Rs. 500 but not more than Rs. 1,000		Above Rs. 1000		Amount paid as compensation (section 357, Criminal Procedure Code)	Amount imposed	Amount realized	(32)	(33)	(34)	(35)
	Alone	With other punishment	Alone	With other punishment	Alone	With other punishment	Alone	With other punishment	Alone	With other punishment							
(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)
Remarks																	
Number of persons subjected to order under Act XII of 1859, section 22 of Act I of 1871, etc., or admonished under Act VII of 1897, or whose guardians were bound over under Act IX admonished under Sect VII of 1897, or whose guardians were bound over under Act IX of 1890, or the Juvenile Justice (Care & Protection of Children) Act, 2015, or dealt with under the Probation of Offenders Act (Act III of 1937)																	
Number of boys whose sentences were commuted to detention in a certified school																	

NOTE:- "Juvenile" or "others" to be noted in manuscript against the relevant entries

Number of persons subjected to order under Act XII of 1859, section 22 of Act I of 1871, etc., or admonished under Act VII of 1897, or whose guardians were bound over under Act IX admonished under Sect VII of 1897, or whose guardians were bound over under Act IX of 1890, or the Juvenile Justice (Care & Protection of Children) Act, 2015, or dealt with under the Probation of Offenders Act (Act III of 1937)

Number of boys whose sentences were commuted to detention in a certified school

Remarks

[illegible]

Administrative Form No.10

(See Rule 301)

Criminal Register No.10

Court:-
Year:-

REGISTER OF APPEAL CASES DISPOSED OF

Number of the appeal disposed	(1)	Number of appellants concerned	Number of appellants whose cases were disposed of								Actual number of days during which the appeal lasted	Remarks						
			By death, transfer or escape	(3)	By rejection of appeal	(4)	By confirmation of sentence or order	(5)	By reduction of sentence or modification of order	(6)			By reversal of sentence	(7)	By proceedings being quashed	(8)	By new trial or further inquiry being ordered	(9)

NOTE:- Show in the column of remarks the number of persons dealt with under sub-section (3) of section 106 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) or under the Juvenile Justice (Care and Protection of Children) Act, 2015 (Central Act 2 of 2016).

Number of the revision case disposed of	(1)		
Number of accused persons concerned	(2)		
Number of accused persons whose cases were disposed of	By death, transfer or escape	(3)	
	By rejection of application	(4)	
	By confirmation of sentence or order	(5)	
	By reduction of sentence or modification of order	(6)	
	By reversal of sentence	(7)	
	By proceedings being quashed	(8)	
	By new trial or further inquiry being ordered	(9)	
	By reference to the High Court	(10)	
	Otherwise	(11)	
	Actual number of days during which the case lasted	(12)	
	Remarks	(13)	

Administrative Form No.12

(See Rule 63)

Criminal Register No.12

REGISTER OF COURT-FEES AND PROCESS-FEES RECEIVED

Court:-
Year:-

Date	Serial Number in the register	Nature of the document and reference to connected case.*	Court-fees in stamps				Non-judicial stamps	Remarks
			Process Fees	Other fees	Advocates' Welfare Fund	Advocate Clerks' Welfare Fund		
1	2	3	4	5	6	7	8	9

* Column (3) – If there are enclosures, the number and nature of those documents also to be specified in this column

Column (9) – Return of documents which is exceptional may be shown in the column of remarks

NOTE:- This register should be reserved for papers other than those received by post.

Administrative Form No.13
[See Rule 31(4)]

Criminal Register No.13

PROCESS REGISTER
(REGISTER OF PROCESS ISSUED TO THE POLICE STATIONS BY THE MAGISTRATES)

Name of Police Station

Serial number	Number of the case	Crime number	Nature of process with identifying particulars	Date when issue of process was ordered	Date when sent to Police Station	Date when received back	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

INSTRUCTIONS

1. A register in this form should be maintained in each of the Magistrate's Courts in the districts and in the Metropolitan Magistrate Courts.
2. Every Inspector of police in charge of the police station should as often as possible and at least once in two months, take the registers of the Police Station under him to the concerned Magistrate's Courts, check up the entries with those in the registers and if necessary, the records maintained by the Courts and make a report to the District Superintendent of Police and Commissioner of Police, as the case may be, about the cases involving serious delay or omission.
3. The above register should also be maintained in ledger form, one section being allotted to the Police Station.
4. The register prescribed above should be maintained with care and should be scrutinized periodically by the Head Ministerial Officer and the Magistrate.
5. In column (4) of the register, the issue of processes to witnesses for the prosecution and for the defence should be shown separately. It is not necessary to show the name of each of the witnesses but only their total number, e.g., 10 summonses P.W.s., 8 summonses D.W.s. Issue of bailable warrants and non-bailable warrants being specifically recorded in *red ink*.
6. In column (7) of the register, the date of hearing should also be shown under the date of return, if the date of return of the processes to the issuing court is later than the date of hearing.
7. In column (8) of the register should be entered the following, namely, (a) with reference to column (4) the number of processes served personally and the number of processes returned unserved, and (b) particulars as to whether bailable warrants and non-bailable warrants were executed or not.

Administrative Form No.14
[See Rule 31(4)]

Criminal Register No.14

REGISTER OF NON-BAILABLE WARRANTS ISSUED TO POLICE STATIONS

Name of Police Station:.....

S.No.	1	2	3	4	5	6	7	8	9	10	11	12
		The number printed on the form used	Case and particulars	Name and particulars of the person against whom warrant of arrest issued (accused /witness)	The officer/person to whom directed	Date of judicial order directing arrest to be issued	Date of issue	Date of cancellation, if any	Due date of return	Report returned on	The action taken as reported	Remarks

Administrative Form No.15

(See Rule 66)

Criminal Register No.15

Hearing Book

Court — Year --

Case posted (1)	Remarks (2)	Case posted (1)	Remarks (2)
--------------------	----------------	--------------------	----------------

Note: (1) When cases are adjourned the date and place of the adjourned hearing should be shown in column (2)

(2) Cases disposed of on the date of hearing should be marked thus () e.g.,(C.205)

Administrative Form No.16

(See Rule 301)

Criminal Register No.16

FAIR COPY REGISTER

Serial Number	Number of the case	Date of Judgment	Date on which judgment was given for fair copy	Date on which fair copy was ready	Date on which fair copy was signed by the Presiding Officer	Date of dispatch of Calendar Statement
(1)	(2)	(3)	(4)	(5)	(6)	(7)

ADMINISTRATIVE FORM No. 17
(See Rule 218)

Criminal Register No.17

REGISTER SHOWING THE RECEIPT AND DISPOSAL OF APPLICATIONS FOR COPIES IN THE CRIMINAL COURTS

Serial number	(1)	Date of receipt	(2)	Name and address of the applicant	(3)	Description of record copy of which is required	(4)	Number and value of court-fee stamps affixed to the applications if any for search of the records	(5)	Orders of the head of the office as to whether copies may be granted or not with date of order	(6)	Total number of words to be copied	(7)	Total number of stamp papers required at 175 words a paper or the amount of fees payable in cash	(8)	Date on which information relating to- (a) Number of stamp papers required; or (b) the fee to be paid; or (c) the search fee required, was given to the applicant	(9)	(a) Number of stamp papers or (b) Amount of cash deposited with the initials of the Head Ministerial Officer and date	(10)	Date on which originals were furnished, name and initials of copyists to whom they were handed over	(11)	Date when copy was ready	(12)	Name of Examiner and the date on which the copy was examined with his initials	(13)	When copy delivered or sent by post	(14)	Signature of applicant when delivered in person	(15)	Signature of the copyist and examiner in token of having received the fee paid in cash	(16)	Number of stamped papers copied and compared and number returned unused with initial of the Head Ministerial Officer and the date in each case.	(17)	Remarks (Here enter the month in which each item is billed for, with initials of the Head Ministerial Officer and date.)	(18)
---------------	-----	-----------------	-----	-----------------------------------	-----	---	-----	---	-----	--	-----	------------------------------------	-----	--	-----	--	-----	--	------	---	------	--------------------------	------	--	------	-------------------------------------	------	---	------	--	------	---	------	--	------

Note.- The entries in columns (7),(8), (10) and (17) should be made in figure as well as in words.

Administrative Form No.18
[See Rules 5(3) & 25(1)]

CRIMINAL REGISTER NO.18

REGISTER OF CHARGE-SHEETS AND REFERRED CHARGE-SHEETS

Name of Police Station:.....

Serial Number	Date of receipt (of the First Information Report)	Name of Police Station and Crime Number (as shown in First Information Report)	DATE ON WHICH		*Charge-sheet was taken on file by the Magistrate and the number of the case assigned	Date of receipt of referred charge-sheet and number of referred charge sheet)	Purport of Magistrate's order and date of the order.	Date of communication to the District Superintendent/Commissioner of Police	Date of delivery of record to the record-keeper with his initials
			Charge-Sheet was received in the Court						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

*The C.C., P.R.C. or other number given to the case should be entered in this column

Instructions:

1. A First Information Report which is received along with or subsequent to a charge-sheet need not be entered in the register.
2. The register shall be maintained in the form of a ledger, a separate section thereof being allotted to each police station.

Administrative Form No.19
(See Rule 58)

[Criminal Register No.19]

REGISTER SHOWING THE DISPOSAL OF PROPERTY PRODUCED IN INQUIRIES AND TRIALS

Court--

Number of case or date and number of charge sheet with name of station	Description of property (2)			Initials of the Judge or Magistrate	Particulars of order for disposal and section of law with date	If returned to party producing it, or his agent, signature and date	Initials of the Judge or Magistrate	If sold by auction, the date of auction and the amount realized	Date of remittance of sale-proceeds to Treasury	Initials of the Judge or Magistrate	Remarks of Inspecting officers, if any.
	Serial No.	Valuable property	Other property								
(1)				(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
								Rs.			

Instructions

1. This register shall be inspected at least once in three months by the presiding Judge or Magistrate who will check the valuables and record the result of his inspection in the column for remarks.
2. A fresh register shall be opened every year and the outstanding items shall be brought forward from the register of the previous year.
3. When valuables are sent to the Chief Judicial Magistrate or other Magistrate for disposal, a triplicate form of receipt shall be used, one part of which will be the office copy, the other two will be sent to the Magistrate of which one will be checked and signed by him and pasted in this register on receipt in the Sessions Court.
4. Each Criminal Court will send a certificate of having checked the valuables with their register.
5. Deposits and such other items, being case properties should properly be accounted for being brought to this register. The challan and the numbers and dates of the deposit may also be noted in the register so that deposit adjustments vouchers may readily be prepared and sent to the connected Sub-Treasuries for adjustment, and the fact noted in the last column relating to the remarks.

Administrative Form No.20
(See Rule 301)

CRIMINAL REGISTER No.20

REGISTER OF UNCLAIMED PROPERTY

(MAGISTRATES' COURTS)

Serial No.	Reference to the current with which property is received	Description of property	When, where, and by whom found	Intermediate references with dates *	How disposed of and when; and amount realized at sale (if sold)	Date of remittance of amount to Treasury.	Disposal number with which the file closes	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

* Here enter particulars, such as -

- (1) Date of submission of the notice to the District Press.
- (2) Date of publication of the notice in the District Gazette.
- (3) Date of reference to the Chief Judicial Magistrate and of orders thereon, etc.

Administrative Form No.21
(See Rule 301)

CRIMINAL REGISTER No.21

REGISTER OF CALENDARS RECEIVED
(SESSIONS COURTS AND CHIEF JUDICIAL MAGISTRATES/CHIEF METROPOLITAN MAGISTRATE)

Court Year.....
Calendars received from the Magistrate of*

Serial number of case	DATE OF		If records called for, number on Revision file	Remarks
	Receipts of Calendar	Perusal of Calendar		
1	2	3	4	5

* Here enter calendar cases, summary trials or appeals.

Administrative Form No.22
[See Rule 270(2)]

CRIMINAL REGISTER No.22

REGISTER OF CALENDARS RECEIVED

(CHIEF JUDICIAL MAGISTRATES/CHIEF METROPOLITAN MAGISTRATE)

Caleendars received from theMagistrate of*

Court.....

Year

Serial number of case	DATE OF				Subsequent proceedings, if any
	Receipt of Calendar	Return to Magistrate	Receipt of reply	Submission to District Judge	
1	2	3	4	5	6

* Here enter calendar cases, miscellaneous cases or preliminary registers.

NOTE: This register should be maintained in the offices of the Chief Judicial Magistrates/Chief Metropolitan Magistrate for the caleendars received from the Judicial Magistrates/Metropolitan Magistrates under their respective charges.

Administrative Form No.23
[See Rule 270(2)]

CRIMINAL REGISTER NO.23

REGISTER SHOWING THE REMARKS ON CALENDARS AND JUDGMENTS AND REPLIES RECEIVED FROM

(NAME)	(MAGISTRATE)	DISTRICT
Name of Court and number of case	Remarks of the Magistrate or Chief Judicial Magistrate/Chief Metropolitan Magistrate and his initials and replies of the Magistrates with dates.	
(1)	(2)	

Instructions

1. The register should be written separately for each Magistrate by name in the Chief Judicial Magistrate's /Chief Metropolitan Magistrate's office.
2. The register in the Chief Judicial Magistrate/Chief Metropolitan Magistrate's office should be maintained for all the Subordinate Magistrates.
3. The register maintained by the Chief Judicial Magistrate/Chief Metropolitan Magistrate should contain only the remarks made by the Chief Judicial Magistrate/Chief Metropolitan Magistrate and such remarks of the Chief Judicial Magistrate/Chief Metropolitan Magistrate as are referred to in the remarks of the Chief Judicial Magistrate/Chief Metropolitan Magistrate and which will be necessary to make the remarks of the latter intelligible.
4. The register need not be kept as loose sheets. Separate registers should be opened for each Magistrate. As the Chief Judicial Magistrate/Chief Metropolitan Magistrate has to leave a note, which may be partly based on this register, in the Magistrate's confidential sheet when he is transferred, it is not necessary to transfer the register when a subordinate Magistrate is transferred.

Administrative Form No.24

(See Rules 129 & 201)

CRIMINAL REGISTER No.24**REGISTER OF REFUND CERTIFICATES AND DEPOSIT VOUCHERS ISSUED****Court –****Year –**

Month & Date of certificate or voucher	Name of Court which imposed the fine and number of case on its file	Name of Court which sanctioned the refund or compensation and date of judgment and number of the case.	Name and residence of the individual to whom the refund or compensation order was granted	Amount ordered to be paid	Date on which the refund certificate or deposit voucher was delivered to the party or his agent, if before the Court or of its dispatch to him and the Lower Court.	Signature of the party or agent in token of having received the certificate or voucher.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
				Rs.			
				P.			

Administrative Form No.25

[See Rules 55 and 204 (A)(1)(3) and (C) (2 and 5)]

CRIMINAL REGISTER NO.25**REGISTER OF FINES IMPOSED, LEVIED AND REFUNDED**

Court

Year

(1) Date of imposition of fine	(2) Number of case.	(3) Name of the accused.	DEMAND i.e., BALANCE UNCOLLECTED (IN CASES OF PREVIOUS MONTHS OR FINES IMPOSED IN CASES OF CURRENT MONTH)				COLLECTIONS			
			(4) Amount of fines to be credited to the Government.	(5) Amount	(6) Name of the fund, body or association concerned and the provision of law under which the fine is imposed.	(7) Compensation awarded under sections 250, 357 or 358, Code of Criminal Procedure, and sums recoverable like fines which cannot be entered in column (4) or (5)	(8) Initials of Judge or Magistrate	(9) Amount collected	(10) Date of Collection	(11) Initials of Judge or Magistrate

AMOUNT CREDITED IN SUB-TREASURY					IRRECOVERABLE AMOUNTS AND REMISSIONS		Balance uncollected		REFUNDS		Remarks.	
To be credited eventually to Local Funds, Municipal Funds, etc.		(7) Compensation and other amounts described in column		Date of credit in Sub – Treasury	Initials of Judge or Magistrate	Amount written off	Number and date of sanction to write off.	Amount refunded		Number and date of refund order		
Credited to the Government	Amount credited	Name of the fund, body or association concerned and the provision of law under which the fine is imposed	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)

Note. – (1) The word 'fines' includes any amount recoverable as a fine and forest and excise composition fees or expenses of prosecution.

(2) If a fine is collected while the person on whom it has been imposed is in prison, intimation of its collection must be sent at once to the Superintendent of the Prison and the fact noted in column (23) – See rule 74 of the Criminal Rules of Practice.

(3) In the case of a remission entered in columns (18) and (19) a note 'Remitted on appeal's should be made against the entry in column (23).

(4) The attention of Judges and Magistrates initialing under columns (8), (11) and (17) is invited to the fact that such initials show that they have satisfied themselves that the fines imposed are taken to demand, collected and credited to the treasury. No entry shall be expunged from the register without attestation by the Judge or Magistrate.

Administrative Form No.26
(See Rule 273)

CRIMINAL REGISTER No.26

REGISTER OF WITNESS' BATTAs COLLECTED FROM PARTIES

Date	Number of the case.	Name of the party	Opening balance	Amount of deposit	Total of column (4) and (5)	Amount paid to witnesses	Amount refunded to parties	Signature or mark of witness or party	Total of column (7) and (8)	Closing balance i.e. difference between columns (6) and (10)	Initials of the head of the office	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
			RS.	P.	RS.	P.	RS.	P.	RS.	P.		
Instructions.												
<p>1. This register should be maintained in the ledger form, with a daily abstract being recorded in the register itself. For this purpose, separate page or pages according to the needs of the particular case should be allotted for each case and for entering the daily abstract, some pages should be allotted at the end.</p> <p>2. The amount of unspent witness batta and batta collected for witnesses whose evidence is dispensed with, should be entered in this register. The register must be checked at regular intervals every month, once by the Head Ministerial Officer and another time by the Presiding Magistrate/Judge during the scrutiny of registers.</p>												

Administrative Form No.27

[See Rule 276 (2)]

CRIMINAL REGISTER No.27

REGISTER OF ORDERS OF JUDGE OR MAGISTRATE ON WITNESSES' BATTA AND TRAVELLING ALLOWANCE

Number of case	Names of witnesses	Signature of the witness on the first day of his appearance	Whether the witness was present on				Judge's order fixing the			Initials of the Judge	Remarks
			Second day	Third day	Fourth day	Fifth day	Class of the witness	Number of days for which batta is payable	Distance for which mileage is available with the name of the village and the nearest railway station		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Note. – The signature of an official witness should be taken in this register just as in the case of any other witness and the fact and the date of issue of the court attendance certificate should be noted against the entry.

Administrative Form No.28
(See Rule 64)

CRIMINAL REGISTER NO.28

BATTA AND TRAVELLING ALLOWANCE TO WITNESSES IN CRIMINAL CASE No. .. of... ON THE FILE OF THE COURT

Names of witnesses	(1)	What Class.	(2)	Number of class by rail or rate of mileage by road	(3)	Number of miles by road	Amount of railway fare or mileage by road	Amount of actual expenses of carriage by road (Criminal Rules of Practice, rule 286)	Actual cost of carriage hire to and from Court of first-class witness on days of attendance.	(7)	Number of days	(8)	Rate per diem	(9)	Total batta and traveling allowance	(10)	Certificate of Head Ministerial Officer or Magistrate and comparison with Register No.27	(11)	Receipts of party to whom payable	(12)	Remarks	(13)

ADMINISTRATIVE FORM No.29
(See Rule 301)

CRIMINAL REGISTER NO.29

CASH BOOK

(MAGISTRATES' COURTS)

Cash account of the office of theMagistrates of.....for the
month of20.....

Dr.	Date	Number of item or folio in ledger	Particulars	Receipts		Head of account or heading of item	Date	Number of		Folio in ledger	Particulars	Disbursements		Cr.
				Cash	Bank or Treasury			Item	Voucher			Cash	Bank or Treasury	
(1)		(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Rs. P.
Brought forward
Carried over

Rs. P. Rs. P.
Brought forward
Carried over

INSTRUCTIONS

- (A) All cash transactions should be shown in this register except salaries, travelling allowances, fines, moneys realized by forfeiting security bonds of witnesses, accused and sureties.
- (B) Sale proceeds being an occasional item of receipts though shown in property registers should also be shown in the cash book.
- (C) The cash book should be balanced once a month on the dates on which the treasury or sub-treasury closes its accounts for the month.

Administrative Form No.30

[See Rules 32(2) & 68]

CRIMINAL REGISTER No.30

REGISTER OF LONG-PENDING CASES

Serial Number	(1)	Date and number of order authorizing transfer to this Register	(2)	Date of entry in the Register	(3)	Number and date of cases	(4)	Description of accused	(5)	Description of offence	(6)	Date of offence	(7)	Date of issue of proclamation under section 82, Criminal Procedure Code	(8)	Date fixed for appearance	(9)	Date of attachment	(10)	Description of property attached	(11)	Method and date of disposal of property attached	(12)	Date of recording evidence under section 299, Criminal Procedure Code	(13)	Date of appearance or death of accused	(14)	Remarks	(15)
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Administrative Form No.31

[See Rule 264(13)]

CRIMINAL REGISTER No.31

RECORD DESTRUCTION REGISTER

Year	Number	Date of disposal	Date of disposal of appeal / revision petition if any	Date up to which to be retained		Date of destruction		Remarks
				Part I	Part II	Part II	Part I	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Instructions

- 1.The entries in column (1) to (3) and (5) and (6) of this register should be made as soon as the cases are received in the record room.
2. The entry in column (4) should be posted when the appeal or revision petition, if any, is disposed of and the papers are received in the record room.
- 3.Columns (7) and (8) should be filled in only after the records are actually destroyed.

(Section 263 Cr.P.C.)

[illegible]

[illegible]

ADMINISTRATIVE FORM No.34
(See Rule 301)

CRIMINAL REGISTER No.34

REGISTER OF FINES IN RESPECT OF WHICH PAYMENTS ARE PAYABLE TO (LOCAL BODY)

Date of payment of fine into the treasury (1)	Number of case (2)	Amount paid (3)	Refund or remission, if any (4)	Expenditure to be deducted if any (5)	Net amount payable (6)	Remarks (7)

Instructions

1. A page or a set of pages should be allotted for fines levied under each Act and relating to each local body.
2. To enable a monthly comparison and reconciliation with the figures as per Appendix C to Treasury Sub-Account No.11, the extracts to be sent should cover the transaction for each treasury or sub-treasury month as the case may be and the total of the extracts should work up to the figures of "Amounts credited" in item 3(b) of the Statement of Fines in Form No.36.
3. The total of the column "Net amount payable" for a year indicates the amount payable by the Chief Judicial Magistrates.

NOTE:-

(1) A departmental register in this form should be maintained in all the Criminal Courts, including Metropolitan Magistrate Courts, however, except Sessions Courts. An extract from this register should be attached to the monthly statement in Criminal Register Form No.36

(2) Chief Judicial Magistrates/Chief Metropolitan Magistrate should also maintain a register in this form and post therein the figures taken from the statements received from the subordinate courts and effect reconciliation of the figures monthly with the treasury figures so that there may be no delay or difficulty in paying the grants to local bodies at the end of the year.

Year:

Administrative Form No.36
[See Rule 204(B)(1)(4) and (D)(1)]

FINE STATEMENT OF THE COURT OF FOR THE MONTH OF 20

(1)	Arrears (2)				Current (3)				Remarks (4)
	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.	
1. Demand									
(a) Fines to be credited to Government.									
(b) Fines to be credited eventually to Local or Municipal Funds, etc.									
(c) Compensation amounts, etc.									
2. Collections.									
3. Amount credited into the Treasury or Sub-Treasury –									
(a) To the Government.									
(b) To be credited eventually to Local or Municipal Funds, etc.									
(c) Compensation, amounts, etc.									
4. Amount written off 									
5. Remitted on appeal 									
6. Balance 									

Certified that the above is a correct statement of fines and compensation amounts imposed, levied, written off and remitted on appeal in my Court during the month of 20....

Judge/Magistrate

Certified that the amounts shown against item 3 were remitted into the Treasury/Sub-Treasury in the month of20... were so remitted.

Sub-Treasury Officer/Treasury Officer

Instructions

1. If the amounts shown against columns (2) and (3) do not agree, the reason should explained in the columns for remarks.
2. The order sanctioning the writing off of any amount should be quoted in the columns for remarks.

Administrative Form No.37
(See Rule 301)

WORKING SHEETS FOR FINE RECOVERY

(To be maintained by all Criminal Courts, except Sessions Courts)

Serial number	Date of imposition of fines	Case number	Arrear demand	Amount collected and remitted to Treasury with date												Amount written off	Amount remitted in appeal	Remarks
				January		February		March		April		May		June				
				Collection	Remittance	Collection	Remittance	Collection	Remittance	Collection	Remittance	Collection	Remittance	Collection	Remittance			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)

Instructions

1. To be maintained in separate sections under the three heads specified in item I of Administrative Form No.36.
2. The sheets will be written up afresh in January and July each year.
3. Entries regarding collection and remittance should be initialed by the Magistrate beneath each entry.
4. Dates to be entered beneath the relative amounts as denominators.

ADMINISTRATIVE FORM No.38

[See Rule 204 (B)(4)]

STATEMENT OF CASES IN WHICH SANCTION TO WRITE OFF IS REQUESTED

Number and year of case	Name of accused	Amount of fine		Date of sentence	Steps taken to realize the fine	Remarks
		(3)	(3)			
(1)	(2)	Rs.	P.	(4)	(5)	(6)

(To be printed on the back of Form No.36)

ADMINISTRATIVE FORM No.39
[See Rule 129]

STATEMENT OF FINES TO THE TREASURY OFFICER

District of				Refund of Revenue, Refunds and Drawbacks.				Voucher No. List of payments For	of 20												
Head of service chargeable																					
In whose name credited	(1)	On what account received	(2)	Amount realised	(3)	Day of payment into treasury	(4)	Amount in which included and head to which credited	(5)	Treasury Officer's signature in token of verification of treasury credit.	(6)	Name of payee	(7)	Amount to be refunded	(8)	Reasons and authority for refund	(9)	Certificate of departmental note of refund	(10)	Signature of party	(11)
				Rs. P.				Rs. P.													

Passed for payment

The day of 20 ..

Magistrate or other Officer

Pay Rupees.....() only
Accountant

Officer-in-charge of Treasury

Examined.

Administrative Form No.40

(See Rule 301)

STATEMENT SHOWING THE NUMBER OF CASES PENDING AT THE END OF THE MONTH OF 20...,
IN THE COURT OF THE MAGISTRATE OF

Name of the court (1)	Number of cases pending at the beginning of the month. (2)	Number of cases received during the month (3)	Total number of cases for disposal (4)	Number of cases disposed of during the month (5)	Number of cases pending for			Total number of cases pending at the end of the month (7)
					Less than two months	Over two months	Over six months	

ADMINISTRATIVE FORM No.41
(Rule 301)

(To be submitted by the Committing Magistrate to the Chief Judicial Magistrate)

SESSIONS STATEMENT SHOWING THE DETAILS OF CASES COMMITTED TO THE COURT OF SESSION AT
FOR THE MONTH OF 20....

Name of the Committing Court	Number of case on the committing court's file	Number, name, sex and age of accused	Nature of offence and section of the I.P.C. or other laws	Date of			In prison or on bail or otherwise	Number of witnesses bound over to the Court of Session	Remarks
				Report or complaint	Apprehension or appearance	Commitment			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
									(11)

Instructions

- (1) To be submitted by the Committing Magistrate to the Chief Judicial Magistrate direct on the date on which the case is committed.
- (2) Duplicate to be annexed to the copy of the Preliminary Register.
- (3) In case of murder, the Committing Magistrate should state in the remarks column that he reported to the Sessions Court as to whether the accused is able to employ an advocate.
- (4) The Preliminary Register number should be given in column (2).
- (5) Please write at the back, if there is not enough space on this page.

**SESSIONS STATEMENT SHOWING THE DETAILS OF CASES COMMITTED TO AND TRIED BY THE COURT
OF SESSION AT FOR THE MONTH OF20..... contd.**

Number of the case on the Calendar of Session	Date of commencing trial	Date of close of trial	Offence established	Date and nature of sentence or order as regards each prisoner	Number of witnesses examined	Remarks
(12)	(13)	(14)	(15)	(16)	(17)	(18)
						ABSTRACT Duration of Sessions days
						Pending from last Session..... New

- (i) The Chief Judicial Magistrate/Chief Metropolitan Magistrate should compile a statement for each month by filling in columns (1) to (11) and submit it to the Court of Session not later than the 8th of the month to which the statement relates except for the month of April, May and June, for which a consolidated statement will be compiled at the beginning of July.
- (ii) The Chief Judicial Magistrate/Chief Metropolitan Magistrate should include in the statement all cases which await trial (whether committed in the month of previously) arranged in the order in which they were committed.
- (iii) On the termination of each Session and in no case later than the 8th of the succeeding month, the Sessions Judge should have columns (12) to (18) filled in and should return the copy to the Chief Judicial Magistrate/Chief Metropolitan Magistrate.
- (iv) The number of cases dealt with in the body of the statement should correspond with the total given in the abstract.
- (v) Under the heading "postponed", cases which are simply adjourned should not be included. Only cases such as the following should be included, viz (a) Cases in which the accused is directed to be kept under observation of a Medical Officer for suspected lunacy. (b) Cases adjourned, pending disposal of appeal or revision in respect of another trial in respect of the same accused person.
- (vi) In all cases shown as pending, the actual dates of hearing fixed for them should be given in the column for remarks.

(To be submitted by the Court of Session to the High Court immediately after each Session and in no case, later than the 8th of the succeeding month, except for the months of April, May and June for which a consolidated statement should be sent at the beginning of July.)

No. of Sessions Case	Number of accused involved	Section of offence charged	DATE OF				Number of witnesses examined	Date of Disposal with particulars of the offence established and the sentence or order passed thereunder	Remarks
			Apprehension or appearance	Committal	Commencement of trial				
1	2	3	4	5	6	7	8	9	
ABSTRACT: Duration of Session ...days Cases Persons Pending from Last Session New .. — — Total.. — — Disposed of Referred.. Postponed.. — — Pending from this Session									

Administrative Form No.45

(See Rule 129)

REFUND ORDER

Case No..... of 20...., on the file of Judge/Magistrate,

I,..... hereby certify that accused/advocate for accused holding special vakalat in the above case is entitled to a refund of Rs..... being the amount of fine imposed by the sentence of the Court of the Magistrate,

..... Reversed on appeal by this Court/

Reversed on reference to the High Court/

Reversed by the High Court as a Court of Revision

Judge/Magistrate

.....20

Administrative Form No.46

[See Rule 264(1),(2),(5),(6) and (8)]

A

FORM OF INDEX

Case (Application or Appeal or Calendar) No..... of 20..... on the file of the
Court of thein the district of.....

Serial number of the paper	Description of the paper and the date	Date when the paper was filed or put up in the case	Number of the part of the record to which the paper appertains	Alphabetical or numerical mark of the exhibits filed	Remarks
1	2	3	4	5	6
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					

B

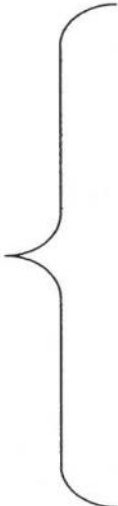

TABLE SHOWING THE DIVISIONS OF THE RECORD AND THE
DESCRIPTION OF THE PAPERS FOLLOWING UNDER EACH DIVISION

CRIMINAL

Part I

Class of cases	Divisions of the record and description of the papers falling under each division
Trials (other than summary)	<ul style="list-style-type: none"> (1) Index (2) Judgment and sentence, if any (Original and Appellate) including spare copies of printed Sessions Judgments. (3) Petition of appeal, or application for revision, or letter of referring court, judgment and order thereon. (4) Charges (5) Documentary evidence
Summary trial	All papers including register
Miscellaneous cases	<ul style="list-style-type: none"> (1) Index (2) Order and grounds, if any (Original and Appellate) . (3) Petition of appeal, or application for revision, or letter of referring court, Judgment and order thereon. (4) Documentary evidence

Part II

Class of cases	Divisions of the record and description of the papers falling under each division
Trials (other than summary)	 <ul style="list-style-type: none"><li data-bbox="924 589 1353 667">(1) Warrant of commitment to prison, if any.<li data-bbox="924 672 1358 790">(2) Complaints to Magistrates, when acted upon by the Magistrate.<li data-bbox="924 795 1374 992">(3) Reports by the Police under sections 174 and 175 of the Criminal Procedure Code when followed by action on the part of the courts.<li data-bbox="924 996 1171 1030">(4) Oral evidence<li data-bbox="924 1034 1286 1115">(5) All papers not already specified.
Miscellaneous cases	 <ul style="list-style-type: none"><li data-bbox="924 1122 1177 1155">(1) Oral evidence.<li data-bbox="924 1160 1378 1240">(2) All papers not already specified.

C

TABLE SHOWING THE PERIODS PRESCRIBED FOR THE RETENTION OF VARIOUS PARTS OF THE RECORDS IN THE VARIOUS CASES OF PROCEEDINGS

Name of Proceedings	Number of years for which records are to be retained	
	Part I	Part II
(1) In trials and appeals		
(a) Sessions cases	*20	3
(b) Warrant cases	20	3
(c) Summons cases	5	3
(d) Summary trials		
(A) Forms kept under section 263 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and Judgment recorded under section 264 of the said Code in cases where either (i) some of the accused or parties proceeded against have not been apprehended or (ii) the accused or any of them have been convicted of an offence of repetition of which renders the offender liable to enhanced punishment.	10	..
(B) All other records	3	...
(2) In Miscellaneous proceedings		
(a) Maintenance	20	3
(b) Security to keep the peace or for good behavior	10	3
(c) Other miscellaneous proceedings	3	3
(3) Records in cases referred by the Police or in which further investigation is stopped	3	...
(4) Records in cases entered in the Register of long pending cases	30	30

From the date on which the case was entered in the register of long-pending cases.

*In cases in which the sentence passed is one of imprisonment for life, the judgment must be preserved until the report is received of the convict's death or release.

D

TABLE SHOWING THE PERIODS PRESCRIBED FOR THE RETENTION OF THE
VARIOUS COURT REGISTERS, BOOKS AND PAPERS

Number and description of Court Registers, books and papers	Number of years for which the registers, etc., to be retained
(1) Register (Other than of Summary trials) in the use of Criminal Courts	5
(1) (a) Register of long Pending Cases	30
(2) Record Destruction Register of Criminal Cases	25
(3) Register of Court-fees	3
(4) Copyists' registers and process service registers	3
(5) Challan cheque books	10
(6) (a) Magisterial and Judicial Registers of correspondence received and dispatched and administrative registers of dispatch	5
(b) Magisterial and Judicial Registers or correspondence received and despatched and administrative registers of dispatch in the Revenue Divisional Offices	20
(7) Other Court or Office books and registers	3
(8) Correspondence with the High Court on important matters and the orders of the High Court thereon, including administration reports received from the High Court and Government	20 years from termination
(8) (a) Criminal Administration Report – Salient features	20
(9) Other correspondence	3 years from termination
(10) Yearly and half-yearly statements	5
(11) Monthly and Quarterly statements	3
(a) Criminal Statistical returns	3

(b) Copies of calendars and Judgments submitted by the Magistrates to Sessions Judges	1
(12) Magisterial diaries, Police Arrest Returns, Police Occurrence Reports and Police Reports on unnatural and sudden deaths	3
(13) Bound volumes of printed Sessions Judgments	35

Administrative Form No.47

(See Rule 301)

CALENDAR CASE NO..... OF 20.....

ON THE FILE OF THEMAGISTRATE OF.....

Date of occurrence	Date of report or complaint	Date of issue of process	Date of appearance of accused	Date of commencement of trial	Date of order	Explanation for delay
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Administrative Form No.48

(See Rule 301)

LIST OF CALENDARS DESPATCHED FROM THE OFFICE OF THE
CHIEF JUDICIAL MAGISTRATE/CHIEF METROPOLITAN MAGISTRATE
OF.....TO THE SESSIONS JUDGE.....

Number of the case	Nature of the proceeding	Date of		Remarks
		Order	Receipt	

Office of Chief Judicial Magistrate/
Chief Metropolitan Magistrate
Dated day of20...



Chief Judicial Magistrate /
Chief Metropolitan Magistrate

Administrative Form No.49

[See Rule 204 (A) (3) & (4)]

FOIL

(FORM OF RECEIPT TO BE GRANTED BY THE COURT)

IN THE COURT OF THE

Received this ____ day of ____20__ from _____
S/o _____, the sum of Rs. _____ being the whole/part of the
fine/compensation directed to be paid by _____ the accused / complainant in
C.C.No. _____ on the file of this Court.

Rs. _____

*Magistrate/Judge***COUNTERFOIL**

(FORM OF RECEIPT TO BE GRANTED BY THE COURT)

IN THE COURT OF THE

Received this ____ day of ____20__ from
_____, S/o _____ the sum of
Rs. _____ being the whole/part of the fine/compensation directed to be paid by
_____ the accused/complainant in C.C.No. _____ of
_____ on the file of this Court.

Rs. _____

Magistrate/Judge

Administrative Form No.50

(See Rule No.301)

FORM OF RECEIPT TO BE GRANTED BY THE COURT

IN THE COURT OF THE

Received this ____ day of _____ 20__ from ____ S/o____, the sum
of Rs. ____ being amount deposited by the complainant /accused
petitioner/C.P. _____ in C.C./M.C. No. _____ on the file of this Court.

Magistrate

Administrative Form No. 51

(See Rule 301)

FORM OF RECEIPT TO BE USED WHEN VALUABLES ARE SENT FOR DISPOSAL

<p>SESSIONS COURT Dated 20....</p> <p>From Sessions Judge,</p> <p>To TheMagistrate,</p> <p>Sir,</p> <p>I am to forward herewith forthe under mentioned properties in Sessions Case No... of 20.... (P.R.C.No.of 20...on the file of the Judicial Magistrate,.....) and to request that the accompanying acknowledgment may be returned to me after your verification and signature.</p>	<p>SESSIONS COURT Dated 20....</p> <p>From Sessions Judge,</p> <p>To The Magistrate,.....</p> <p>Sir,</p> <p>I am to forward herewith for the under mentioned properties in Sessions Case No... of 20.... (P.R.C.No.of 20...on the file of the Judicial Magistrate,.....) and to request that the accompanying acknowledgment may be returned to me after your verification and signature.</p>	<p>ACKNOWLEDGEMENT (To be returned after verification and signature) Magistrate's Office, Dated.....20....</p> <p>From TheMagistrate,</p> <p>To The Sessions Judge,</p> <p>Sir,</p> <p>I am to acknowledge the receipt of the properties noted below that accompanied your letter No....., dated 20.... (Sessions Case No.....of 20....in P.R.C.No.....of 20... on the file of the Judicial Magistrate).</p>
<p>Sessions Judge</p>	<p>Sessions Judge</p>	<p>Magistrate</p>

Administrative Form No.52

[See Rule 268(3)]

NOTES OF INSPECTION OF THE COURTS OF

JUDICIAL MAGISTRATES/METROPOLITAN MAGISTRATES,

INSTRUCTIONS***I. Pendency of cases***

The main duty of the Court is to dispose of cases expeditiously, consistent with the rules of procedure and in the interests of the parties. The points to be noted are: (1) the maximum duration of a criminal case should not exceed two months, (2) priority has to be given to the trial of cases where persons are in custody, (3) where from the beginning it is found that the accused are not easily available, prompt and effective steps should be taken to issue processes under sections 82 and 83, Criminal Procedure Code, to see that the cases are transferred to the long pending case register and (4) where an accused is present, but witnesses are not secured within a reasonable time, the proceedings are brought to a termination by applying judiciously section 258, Cr.P.C., in Summons Cases. The state of pendency should be checked with reference to the above along with other points that may suggest themselves to the Inspecting Officer.

II. Expeditious trial of cases

The attention of the Inspecting Officer is drawn to rules 3,5,7, and 10 of the Manual of Instructions for the Guidance of Magistrates, in this regard. This inspection should be designed to find out if the trial of cases has proceeded in the light of those instructions, in addition to the provisions of the Criminal Procedure Code and the Criminal Rules of Practice. For answering the above questions, at least six cases of long duration under different categories, viz., warrant, summons, security, P.R.Cases should be selected and examined.

III. Disposal of property

As one goes down lower and lower in the hierarchy of Criminal Courts, the accumulation of case property, valuable and non-valuable, increases progressively the burden being the heaviest on the Court lowest down, viz., the Subordinate Magistrates. The crucial points to be borne in mind under this heading are:- (a) the footnote under register in Criminal Register No.19 is often held to imply that the Magistrate need personally check only the valuables once in three months and send a report of such verification once in three months. This view is not quite correct. The Magistrates have also to check non-valuables periodically or at least have a verification made by the Head Ministerial Officer once a quarter; (b) the accumulation of non-valuable properties in the property room should be avoided by a judicious use of (i) sub-section (2) of section 452, Criminal Procedure Code, which permits properties to be returned on bond at

any stage, (ii) section 451, Criminal Procedure Code which permits properties subject to speedy and natural decay to be disposed at once; and (iii) sub-section (2) of section 457 which requires the issue of a proclamation only in cases where the owner is not known, but not where there is an order directing the property to be returned to a specific person.

IV. Witness batta and process fee

The duty of the Court is to collect batta in private complaints where such batta has to be collected under the rules, keep proper accounts for its disbursal and refund. In cases prosecuted by the State, batta is to be paid from contingencies, but the batta payable has to be calculated correctly under the rules under the orders of the Magistrate, and correctly disbursed. This task is left to a ministerial subordinate, but it is essential that the Magistrate keeps a careful day-to-day check over this item of work.

V. Collection and remittance of fines

Prompt collection of fines is as important a part of the Magistrate's work as the trial of cases. The Magistrate should also see that fines which have become unrealizable are written off at the earliest moment when it is permissible to do so. For this, proper and systematic attention should be bestowed on, (a) the execution of distress warrants and (b) the completion of default sentences. The fine statements which enable the superior Courts to watch this aspect of the work, should be correctly prepared and sent promptly on the due dates. The proper maintenance of the "working sheet for fine recovery" in Form 37 is an essential part of this work. It should also be borne in mind that very often the bulk of the arrears shown as pending, relates to taxation cases, and it is also in this type of cases that the fines are most easily capable of realization, provided prompt coercive processes are taken.

VI. Maintenance of Court Registers

It is essential that every court register is checked at least once a month by the Head Ministerial Officer and by the Magistrate-in-charge. A programme of inspection for the registers should be drawn up before up before the 5th of every month and the results of the inspection entered in a running note file, and steps taken to see that the defects found out are promptly rectified.

INSPECTION OF THE COURT OF THEof

This Court was inspected by..... on

Names of Magistrates who presided over the Court during the period covered by the inspection and the period during which each of them held the Office.

Pendency of cases

1(a) What was the institution in the court during the year under review of cases under (I) Indian Penal Code; (2) special and local laws; (When an accused is prosecuted both under the Indian Penal Code and under a section of the special and local law, classify it under Indian Penal Code cases); (3) security and maintenance cases; (4) Committal cases?

(b) Has the distribution of work between the various magistrates been judicious bearing in mind both the quality and quantity of judicial work?

2. What is the present condition of the Court's file? Does the last statement of pendency of cases sent up for the Court tally with the registers?

Give the following:-

(a) Number of cases pending for over 2 months:

(i) on the date of inspection:

(ii) at the end of the previous quarter:

(b) Number of cases pending for over six months:

(i) on the date of inspection:

(ii) at the end of the previous quarter:

(c) Number of cases pending over one year

(i) on the date of inspection:

(ii) at the end of the previous quarter:

[NOTE: – Under (a), (b) and (c), give figures separately for cases in which the accused have appeared and those in which the accused have not appeared.]

Examine the reasons for the pendency for over two months, and state whether the cases have been pending unnecessarily.

(NOTE: – While the details should be communicated to the Magistrate, they can be omitted from the copy of the report submitted to the High Court.)

3. In cases where the accused is reported to be absconding, have steps been taken for the issue of non-bailable warrants, calling for property reports, issue of property reports, issue of proclamation, and transfer of cases to the long pending cases register after complying with the formalities prescribed in rule 32 of the Criminal Rules of Practice?

Register of long pending cases

4. Have steps been taken to remind the prosecution to expedite the securing of the accused in cases which have remained in the long pending case register for a very long time, or withdraw such cases if necessary?

Expeditious trial of cases

5. (a) Has the diary register been maintained in accordance with Rule 65 of the Criminal Rules of Practice? (Check entries with reference to at least 6 cases of long duration).

(b) Have the figures of attendance of witnesses on each date of hearing been correctly entered in the diary with reference to the High Court's Circular P.Dis.407/53, dated 3rd July 1953?

6. Does the Magistrate normally commence his work at 10.30 a.m. and sit in Court till 5.30 p.m. on all working days? (See rule 1 of the Manual of Instructions at page 1. Whether the entries in the dairies are genuine should be verified with reference to some dates selected at random.)

7. (a) Are the First Information Reports entered in the register promptly on receipt?

(b) Have there been any cases of delay on the part of the police in filing charge-sheets?

(c) Has there been any delay in taking charge-sheets on the Magistrate's file? (Excluding holidays, any delay beyond three days should be explained.)

(d) Have referred charge-sheets been pending unnecessarily?

(e) Have copies of final orders in referred charge-sheets been sent to the District Superintendent of Police/Commissioner of Police without delay?

8. Have orders on applications for bail been passed without delay?

9. Has the correct procedure been followed upon the receipt of private complaints, in regard to –

(a) the careful examination of the complainant on oath; and without delay after the presentation of the complaint;

(b) the forwarding of complaints to the police for enquiry under section 202, Criminal Procedure Code, for adequate reasons recorded;

(c) the intelligent and proper use of Section 203, Criminal Procedure Code.

(Note: - About 10 per cent of the private complaints should be examined in the light of instruction 3 in the Manual of Instructions.)

10. Have requisitions under section 164, Criminal Procedure Code, been promptly complied with by the Magistrate?

11. (a) Has care been taken to avoid posting of more contested cases than can be conveniently heard on one day?

(b) Have preliminary register cases been given preference to other work and heard and disposed of expeditiously? Have the preliminary enquiries been concluded within eight weeks?

(c) Have unnecessary adjournments been avoided?

(Note: - Adjournments for examination of the accused, "for consideration" before framing charges, or for arguments should be scrutinized in at least 6 selected cases.)

12. Were witnesses detained beyond three days, consecutively or otherwise? (Examine the reasons for such detention in ten cases of long duration.)

13. Have the processes been issued promptly, and has the selection of the appropriate process (summons, bailable warrant and on-bailable warrant) and the time granted for the service been judicious and proper?

14. Has the process register been maintained properly? (*See* G.O.No.3495, Home, dated 1st October 1952)

Has the inspection of the process registers by the Inspector of Police and other departmental Officers been regular, systematic and effective?

15. Have steps been taken to forfeit bonds for appearance of witnesses or the accused in cases of default? (Examine at least six cases of long duration.)

16. Have powers under section 258, Criminal Procedure Code, been judiciously exercised?

17. Whether the examination of the accused by the Magistrate under section 313, Criminal Procedure Code, has been carried out in an intelligent manner; were questions framed to draw the attention of the accused to the important facts tending to incriminate the accused? (To be answered with reference to about six cases selected at random.)

18. (a) Has the Magistrate set apart particular days for the hearing of cases under the Forest Act, Motor Vehicles Act and the Local Bodies enactments?

(b) Is any modification of the dates necessary? (Vide rule 5 of the Manual of Instructions.)

19 (a) Are judgments or orders promptly delivered, normally within three days after the conclusion of the enquiry or trial?

(b) Has there been any delay in the submission of calendars to superior Magistrates?

(c) Have the E Forms in forest cases and P-18 forms in cases under the Prohibition Act been promptly dispatched to the departmental authorities at the conclusion of the trial?

20(a) Are cases of short-term imprisonment numerous?

(b) Has the imposition of fines been judicious?

(c) Have the punishments in case under the Forest Act and the Prohibition Act been adequate?

21 Examine the cases dealt with under the Probation of Offenders Act, section 360, Criminal Procedure Code, Borstal Schools Act, and the Juvenile Justice (Care and Protection of Children) Act, 2015. In your opinion, has the Magistrate applied those provisions effectively, and in proper cases?

22 Is the number of cases compounded under section 320 , Criminal Procedure Code, unduly large?

23 Does the Magistrate discourage ill-founded complaints by a judicious use of section 250, Criminal Procedure Code?

24 Has the average duration of cases disposed of in the previous quarter been unduly long? (The duration of cases should be taken up under three groups, cases under Indian Penal Code, Preliminary Register Cases and cases under other laws.)

25 Have the orders of the High Court modifying or setting aside the judgment been noted at the foot of the judgment in the records as required in section 388, Criminal Procedure Code? Furnish figures under the following heads:

- (i) Number of cases taken to High Court in appeal or revision during the year.
- (ii) Number of cases where orders are confirmed.
- (iii) Number of cases where orders are set aside or modified.

Disposal of property

26(a) Are the properties produced in Court, promptly entered in Criminal Register No.19 and Judicial Form No.70 under the initials of the Magistrate as per Rule 58 of the Criminal Rules of Practice? (Check at least six cases with reference to the entries in the Police Form

(b) Have the cashier's initials been obtained in column 5 of Judicial Form No.70 (in the case of Metropolitan Magistrate Court) ?

27 Have orders for disposal of property been promptly passed along with the disposal of the cases, entered in Criminal Register No.19 (in the case of Judicial Magistrate Court) and in Judicial Form No.70 (in the case of Metropolitan Magistrate Court) and carried out without delay?

(NOTE — Tabulate the figures for each year under the heads:

Pending at the commencement; Received during the period; disposed of; pending at the end of the period.)

28 Are the valuables in custody found correct with reference to the entries in the property register? Are the valuable properties checked by different Magistrates as per Rule 59 of the Criminal Rules of Practice?

(NOTE — The valuables should be sent for and checked at the time of inspection.)

29 Is there a separate room for non-valuable properties, and is it securely fastened with the key in the custody of the officer? Is the room clean and well kept? (A few items should be checked.)

30 Is the key of the box of valuables kept by the Magistrate in his personal custody and was it produced at the time of inspection?

31 Are the confiscated properties handed over to the Collector for disposal as per Rule 261 Criminal Rules of Practice?

Is the confiscated cash promptly remitted into the Treasury?

Are the challan numbers being noted in the property register?

Are the chalans available in the records?

32 Has Register No. 20 (of unclaimed property) been properly maintained?

Witness batta and process fees

33 Are process fees collected correctly as per Rule 63 of the Criminal Rules of Practice? (Check the entries in Criminal Register No. 12 with the records in at least six cases.)

34 (a) Has the register of witness batta collected from parties in Criminal Register No.26 been correctly maintained, and does the cash balance on hand agree with the balance in the register? (Verify if the instructions in High Court's Circular P.Dis. 559/54, dated 27th July 1954 have been followed.)

(b) Has batta been collected and disbursed properly and without delay under acknowledgement?

(c) Has undisbursed batta been properly disposed of in the light of the High Court's Circular P.Dis.No. 1322/53, dated 9th October 1953?

35 (a) Is witness batta payable by the Government calculated correctly under the rules in the Criminal Rules of Practice, with proper data for classification and distance traveled and with the period for detention correctly computed with reference to Criminal Register No.28? (To be answered by examining six case records where there are numerous witnesses.)

(b) Are Criminal Register Nos.27 and 28 properly maintained?

(c) Has witness batta been disbursed without delay to all the witnesses who attend the Court?

Collection of fines

36 Is the register of fines in Form No.25 correctly maintained?

(a) Is the levy of fines including taxes collectable as fines brought promptly to account and initialed by the presiding Magistrate? (Verify a few cases with reference to case records, register of fines and counterfoils in the receipt book.)

(b) Is the collection of fines promptly entered in the register?

(c) Are the collected fines remitted into the treasury on the date of collection or at least on the next working day?

(d) Are the fines collected correctly classified in this register?

(e) Is the cancellation or reduction of fines in appeal or revision promptly and correctly entered in the register?

(f) Is the register of refund certificates and refund vouchers properly maintained and are refunds promptly made?

(g) Is the monthly statement of fines correctly prepared and submitted on the due date?

(h) Is the "working sheet for fine recovery" in Form 37 maintained?

(i) Has prompt action been taken (a) to collect unpaid fines and (b) to write off fines which have become unrealisable?

(j) When the accused has been given time to pay the fine, have bonds been taken for his appearance as provided in Section 424, Criminal Procedure Code?

(k) Are the dates of adjournment for payment of fines entered in the hearing book?

(l) Have amounts earmarked for credit to the Local Boards been promptly credited?

- (m) Is there any case of the accused not being available to undergo default sentence, or of undue delay in directing the accused to undergo default sentence?
- (n) In commercial tax cases and local and municipal tax cases, has undue latitude been shown in granting adjournments of the cases, and (ii) in giving time to the accused to pay the amounts levied? (Examine the proportion of amounts pending collection under this head out of the total amount of fines and taxes remaining unrealised.)

37 In respect of Metropolitan Magistrate Courts, has the fine register been maintained properly and checked by the Magistrate daily and his initials affixed? Has the register been checked by the Accounts section daily? Check entries on one day for each month.

Records and Record Room

38 (a) Have the records of cases been arranged and indexed in accordance with rule 264 of the Criminal Rules of Practice?

(b) Are the records sent to the record room promptly under the initials of the record keeper in Criminal Register Nos. 1 to 5?

(c) Is the records movement register properly maintained?

(d) Is the return of the records properly recorded?

39 Are stamps received in court properly punched and duly entered in Stamp Register No.12?

40 Is the record room clean and neatly kept?

41 Have the rules for the destruction of record in Criminal Rules of Practice 264 been followed and is the destruction work up-to-date?

Maintenance of the prescribed Criminal Registers

42 Have the administrative registers prescribed in the Criminal Rules of Practice been correctly maintained?

(NOTE — Exclude registers covered by the previous questions.)

43 Have repayment orders been issued regularly to the Commissioner of Police/District Superintendent of Police and Head of the Local Body for payment of reward amounts, taxes and license fees respectively?

44 Have the registers been periodically and effectively checked by the presiding officer and the Head Ministerial Officer?

(NOTE — (1) The presiding officer should draw up a programme for checking these registers by himself and by his Head Ministerial Officer and their remarks should be recorded in a running note file with report of the rectification of the defects. Attention is drawn to the instruction no.34 at page 66 of the Manual of Instructions to call for explanations for failure to inspect the registers.

(2) Criminal Register No.6 [Administrative Form No.6] should be checked with reference to the collection of the amounts and the remittance to the Railway in respect of applications under Section 138 of the Railways Act, 1989.

Office Administration

45 Have the following registers been properly maintained?

- (a) Permanent Advance Amount and Register of contingencies
- (b) Service Postage Stamp Account and Despatch Register
- (c) Security Register
- (d) Service Registers
- (e) Register of Copy Applications.
- (f) Pay Acquittance Register.
- (g) Attendance and Casual Leave Registers.
- (h) Furniture Register.
- (i) Stationery Register and Register of Forms.
- (j) Library Register.
- (k) Registers of papers received
- (l) Cash Book.
- (m) Fair Copy Register
- (n) Monthly Cash Book
- (o) Disbursing Officer's statement of expenses in case of Metropolitan Magistrates Court
- (p) Daily Cash Balance Register in case of Metropolitan Magistrates Court
- (q) Daily Cash Book of the Accountant in case of Metropolitan Magistrates Court
- (r) Monthly Cash Book of Receipts and Payments in case of Metropolitan Magistrates Court
- (s) Criminal Court deposit register

46. (a) Is the supervision of the Head Ministerial Officer effective?

(b) Has the Head Ministerial Officer dealing with cash and valuables furnished the security required by the rules? (Form of security may be stated).

(c) State whether the security has been verified periodically as required by Article 288 of the Tamil Nadu Financial Code, Volume 1 and note the result of the last verification (applicable to the Chief Metropolitan Magistrate / Court of Session).

47. On how many days in the week, does the Assistant Public Prosecutor attend Court? If any revision is necessary, have steps been taken by the Chief Judicial Magistrate to secure the revision?

48. (a) Are the court premises and compound kept clean?

(b) Are the premises in good repair? Are any improvements necessary?

(c) Note the condition of the trees planted in the compound as part of the tree planting programme.

(d) Are the precautions taken against possible fire adequate?

49. Are the Government Orders, High Court Circulars and the Principal District Judge Circulars maintained up to date in properly classified files?

50. Are the seals of the court, belts and badges in good condition?

51. Has action been taken promptly to rectify defects pointed out at the previous inspection?

52. Remarks on the administrative work of the Magistrate:-

(NOTE- In appraising the work of the Magistrate, the instructions in High Court's P.Dis.No.314/52, should be borne in mind).

Supplementary questions to be answered when the Courts of Chief Judicial Magistrates/Chief Metropolitan Magistrate are inspected and the report to be submitted as a confidential enclosure to the Notes of Inspection.

1. Have Criminal Registers 2 and 10, 3 and 11 been properly maintained?

Tabulate the results of Criminal Appeals and Revisions disposed of during the period covered by the inspection :

(a) Criminal Appeals disposed of; confirmed; reversed; sentence modified.

(b) Revisions disposed of; dismissed; allowed; number of cases taken up *suo motu*.

2. (a) Was the perusal of calendars by the Chief Judicial Magistrate / Chief Metropolitan Magistrate systematic and effective?

(b) Has the Magistrate ensured prompt submission of calendars?

(c) Has the Magistrate taken effective steps to ensure prompt resubmission by subordinate magistrates of calendars on which remarks were passed by superior magistrates? (Any delay of over a week should have been explained when the calendars were re-submitted.)

3(a) Has the Magistrate ensured punctual submission of the monthly statement?

(b) Are the scrutiny of and reviews on monthly statements adequate and effective?

4. Has the Magistrate avoided the use of harsh or intemperate language in his remarks on calendars and in his reviews?

5. Has the Chief Judicial Magistrate/Chief Metropolitan Magistrate exercised an effective administrative control over the work of the subordinate magistrates within his jurisdiction?

QUESTIONNAIRE FOR THE INSPECTION

PROCEEDINGS NO. ROC.4228/78 Bud-I, Dated:12.07.1978 of the

Hon'ble High Court, Madras

NOTES OF ANNUAL INSPECTION OF THE OFFICE OF THE

..... ,FOR THE YEAR

i.	Name of Inspecting Officer	
ii.	Period covered by Inspection	
iii.	Date of preparation of Notes	
iv.	Date of Final Inspection	
v.	Name of Head of Department during the period covered by inspection	
	<u>BUDGET AND PLAN</u>	
1.	Is the Number statement prepared correctly and sent before the due date?	
2.	Are the Revised Estimate and Budget Estimate prepared with reference to the Budget Manual and sent on or before the due date?	
3.	(a) Are the Budget Provisions communicated to Subordinates and if so, when?	
	(b) Is it ensured that the corresponding D.P. Code Number is also communicated to Subordinates along with the Head of Account while communicating above?	
4.	Is final modified appropriation prepared and sent in time?	
5.	Has there been excess expenditure and if so, why?	

ACCOUNT AND RECONCILIATION

1.	Whether the incurring of expenditure under proper sanction and receipt of moneys by adjustment bills and by cash have been properly classified under the appropriate head viz., from major head up to detailed head?	
2.	Whether in respect of the above, the correct D.O. and D.P. Code number have been accurately indicated?	
3.	Whether correctly prepared encasement slip is attached to each bill?	
4.	Whether the D.O. and D.P. Code are also indicated in office copies of all categories of bills?	
5.	Whether relevant D.O. Codes and D.P. Codes have been extracted in M.T.C.70 Register.	
6.	Whether the monthly reconciliation is done in time in respect of all heads?	
7.	Whether prompt action is taken to set right the misclassification notices and the fact indicated in the reconciliation Register?	
8.	Has there been any instance where positive action has been taken against subordinates for non-reconciliation of monthly figures?	
9.	Whether the D.P. Code is noted in the relevant column of classification in the control of expenditure register as well as various bill Registers?	
10.	Whether a stock file of order received and issued in regard to D.O. Code and D.P. Code is exclusively maintained?	
11.	Whether the monthly progressive report on the stage of reconciliation of loan heads (Government servants loans) is being sent?	

1	<u>LOANS AND ADVANCES</u> Is a Register maintained for advance of pay and T.A. granted to Government Servants on transfer/Tour and are recoveries regularly made?	
2.	Are any such advance pending now long and why?	
3.	Is there any case where the advance has been drawn more than necessary?	
4	<u>REGISTERS WITH REFERENCE TO G.O.Ms.No.610 FINANCE dt:27.06.75</u> (a) Where loan sanction register(Annexure-2) has been opened with effect from 1.4.91, including outstanding as on 1.4.91 common to all category to loans (General Provident Fund Sanction should also be entered in this sanction register?) (b) Is there any irregular sanction of advance?	
5.	Whether individual loan ledger has been opened?	
6.	(a) Whether loan recovery register has been opened in respect of short term loans; loan-wise (Cycle, Handloom, Khadi, F.A., G.P.F., Warm Clothing) etc., (b) Whether separate recovery register is maintained in respect of long term loans viz., <ul style="list-style-type: none"> • House Building Advance • Marriage Advance • Car/Scooter Advance 	
7.	Whether a Register in Form 29 of T.N. Financial Code, Vol. I is maintained for noting the name and premium details of postal life insurance Holders?	
8.	Whether the requisite register is maintained to ensure that proper action is taken on all the requisitions received from the co-operative societies?	
9.	Whether the above registers are put up for monthly check?	

10.	Whether Government Servants who join, furnish written declaration regarding recoveries and whether the entries thereto are verified later with last pay certificate?	
11.	Whether the Internal Audit party is verifying the above register at the time of Inspection and if so with what result?	
12.	Whether the report in Annexure 7 to the Government Order are received from the District Controlling Officers regularly?	
13.	Whether the D.C.B. in Annexure 8 to the G.O. is sent to the Accountant General annually without delay?	
14.	Whether the D.C.B. at the end of the financial year has been furnished to the Accountant General on or before 30 th June of each year in respect of all categories of Loans? i. Loans to Government Servants ii. Short term loan wise iii. Long term loan wise	
15.	Whether all the loan registers are checked every month by an Officer nominated for that purpose and whether he has initialed in the check memorandum to be pasted in each register in token of monthly check?	
16.	Whether there are any audit inspection parties for inspection of loan records in the subordinate officers and if so, whether the prescribed questionnaire is exhaustive and adequate?	
17.	What are the loan registers maintained other than those referred to above and how far they are adequately maintained?	

	<u>UTILISATION OF THE INVENTORY</u> (Machinery and equipment) In the case of saleable goods, whether sales register is maintained? Is the sale proceeds remitted into the Sub-Treasury/Bank without any delay?	
1.		
2.	Whether the entries in the cash bill and in the stock register have been checked and attested by the competent authority?	
3.	What is the form of security furnished by each Government Servant employed?	
4.	Where are the security bonds kept?	
5.	Has periodical action been taken to dispose of waste paper, unserviceable articles, etc.,?	
6.	Has the receipt been granted from the bill book for all moneys received, except those drawn from the Treasury?	

7.	(a) Are there any items of stores which should have become unserviceable or time barred? (b) Are there spoiled or damaged items of stationery (to be detailed)	
8.	Are all the items of stationery free from damage and kept well stocked?	
9.	Is the room where the stores are kept free from dampness and rodents? Had the room been properly wired without leakage?	
10.	Have adequate precautions been provided against fire?	
11.	Is the room kept properly locked?	
12.	Is the register kept in all prescribed form for all articles of furniture, stationery and other articles received and disposed of?	
13.	Whether a register of bills invoices received from supplier is maintained?	
14.	(a) When was the receipt and issue of stores and stock physically verified and by whom? To be checked by any Officer and certificate of verification recorded therein? (b) Has there been any occasion when the stock was verified by surprise check?	
15.	Have receipts been obtained from the public for all moneys disbursed to them and the receipts been retained in the office or sent to Accountant General/Pay and Accounts Officers?	
16.	Have full reasons for condemning the stores which have become unserviceable been recorded along with the certificate prescribed in Art.140 of T.N. Financial Code, Vol. I ?	
17.	Has the value of unserviceable stores been treated as loss to Government within the meaning of Art.294 of T.N. Financial Code Vol. I and Procedure prescribed therein has been strictly followed?	
18.	Have entries been made in the register of written off in respect of all orders of written off issued by the Heads of Department and Government?	
19.	Have all the details of the amounts written off and the amounts ordered to be recovered been noted in the register?	

1.	AUDIT (a) Is the register of audit objections maintained in the prescribed form? (b) Is it being put to the concerned Officer once in a month and at least once in a year?	
2.	Have all the objections received from the Accountant General been replied to promptly? (Duration of pendency with reasons therefor may be detailed?)	
Special Accounts relating to Judicial Department, Civil, Criminal Court Deposits and other Register.		
Regarding Accounts.		
1. Cash Book (C.F. No.119) and Ledger (C.R.No.35)		
(a)	Are they kept in bound volumes paged throughout and are they written in accordance with the rules laid down in Part-I, Vol. II of the Civil, Criminal Rules of Practice and Circular Orders?	
(b)	Is the cash book when the court banks with the Treasury, the Register of Receipts (CR.No.36) and of department (CR.No.37) balance weekly and with the treasury or Banks weekly statements?	
(c)	What is the last date when the statement was so compared? Was there a difference and if there was one, has it been properly accounted for?	
(d)	Are the weekly statements received from the treasury or bank filed chronologically?	
(e)	Do the entries in the Cash Book agree with the entries of receipts in the Register of impounded instruments and the entries in the cash payment Registers?	
(f)	Are the heads of accounts properly classified in the ledger?	
(g)	Is the ledger balance at the end of the year and the totals tally with those of cash book?	
(h)	Are attachments of amount of prohibitory orders relating thereto duly noted in the ledger?	
(i)	Is the balance on hand of all receipts shown by the cash book and the ledger checked by the District Munsif/Subordinate Judge with the Money actually in the Head Clerk's/Sherishtadar's hand?	
2.	Register regarding the control of expenditure (Civil Misc. Forms:97 and 98) (a) Is the classification of the entries in the account correct and are the accounts properly kept agreeable to the instructions issued regarding their maintenance? (b) Are the disbursing Officers submitting monthly accounts to the Sub-controlling Officer punctually?	

3.	(a) Is the cash payment book (C.B. No.40) maintained properly? (b) Are the signature of unknown persons attested by known persons?	
4.	Are the following accounts duly maintained? a) Contingent Register Are the vouchers duly filed and cancelled? b) Salary acquittance Register (T.&A. No.11-R) c) Register of Service Postage stamps (C.R.No.57)	
1.	Do the entries in Register of Service Postage stamps correspond with the entries in the Register of correspondence despatched?	
2.	Does it show that the Nasir kept any separate stock of stamps?	
3.	Cheque books (Civil Miscellaneous Forms 14 & 15) (a) Are they kept under lock and key in the personal custody of the District Munsif/Sub Judge?	
	<u>(b) Permanent Advance Accounts:</u>	
1.	<u>Is the balance struck when contingent bills are drawn?</u>	
2.	Is the permanent advance amount correct on verification of cash and vouchers? (a) Are the instructions laid down in Article 49 of the Tamil Nadu Account Code, Vol.I followed? (b) In case there was a transfer of the Presiding Officer during the period covered by this inspection. Is the handing over the cheque books duly recorded in the cash book over the signature of both the relieved and relieving Officers? (c) Are applications for cheques brought for orders promptly in the order of receipt and cheques issued promptly after orders are passed?	

ANNEXURE**QUESTIONNAIRE TO BE ADDED TO EXISTING
INSPECTION QUESTIONNAIRES IN USE IN THE VARIOUS DEPARTMENTS****1 Appointments:**

- (i) Does the office maintain a watch on the prompt preparation of list of approved candidates for all categories?

Note: This question will be answered in respect of the categories for which the Head of the office inspected or his subordinate is the appointing authority.

- (ii) Examine a few files or disposals relating to the preparation of such lists and answer the following questions:--
- a. Has the Schedule of dates prescribed been adhered to?
 - b. Are adequate number of candidates selected by the competent authorities?
 - c. Are such candidates selected by the competent authorities being appointed regularly even in the first instance?
- (iii) Are temporary appointments made only when candidates selected by the competent authorities are not available?
- (iv) Have persons with more than 3 years temporary service been allowed to draw the first increment in the 4th year?

2 Maintenance of Service Registers:

- a. Are service registers maintained for the personnel in accordance with the instructions in the Fundamental Rules?
- b. State:
 - (1) The total number of persons for whom Service Registers are to be maintained.
 - (2) The total number of persons for whom Service Registers are actually maintained.
 - (3) The reasons for not opening Service Registers for others.
 - (4) The total number of cases where certificates of verification of service have not been furnished.
 - (5) The steps taken to issue the certificates in respect of cases in item (4) above.
 - (6) The number of cases where sanction of periodical increments has been delayed.
 - (7) The steps taken to sanction increments in the delayed cases and to ensure that such delays did not recur.

3 Maintenance of Personal Files:

- a. Are personal files for all Government servants concerned maintained properly and up-to-date?
- b. State the number of cases where the entries in the personal files are not up-to-date.
- c. Have adverse remarks, if any, been communicated to the Government servants concerned and their acknowledgments filed, in the personal files?
- d. State the number of cases where adverse remarks were not communicated (excluding cases where the scrutinizing authority has specifically ordered the withholding of communication of adverse remarks).
- e. Are defaulter sheets maintained for Last Grade Government servants?

4 Declaration of probation:

- a. Is a register of probationers maintained up-to-date separately for each category of Government servants?
- b. Has it been examined every month and action initiated well in advance in all cases due for declaration of the completion of probation?
- c. Have probation sheets been opened for all persons regularly appointed?
- d. Are there any delays in passing orders of completion of probation?

5 Register of substantive appointments:

- a. Is a Register of substantive appointments maintained up-to-date?
- b. Has it been examined every month by the Head of the Office or other competent authority?
- c. Are there any delays in making substantive appointments?
- d. Is intimation sent to other appointing authorities promptly whenever any substantive vacancy which that authority is competent to fill in becomes available by the confirmation ordered?

6 Pension:

- a. Did anyone in the office inspected retire from service during the period under inspection?
- b. Is the Head of the office inspected competent to sanction the pension? If so:
 - i. Was action initiated in time for the sanction of pension; if not, the reasons for the delay must be stated.
 - ii. Was pension sanctioned in time?
 - iii. In cases where delay in sanction of pension could not be avoided was anticipatory pension sanctioned?

7 Suspension:

- a. Was any one placed under suspension by the Head of the Office inspected or by his subordinate in the same office? If so, indicate in each case, the date of suspension, the date of issue of charge memo and the present stage of the proceedings.
- b. Was the suspension necessary in the public interest?
- c. Are steps being taken to conclude expeditiously the disciplinary proceedings against persons under suspension?
- d. Was subsistence allowance paid to the incumbent and was a review of the rate of subsistence allowance, made as required under Rule 53 of the Fundamental Rules?

8 Rectification of defects and omissions:

How far have the defects and omissions pointed out by the inspecting staff been rectified before the inspecting officer's personal inspection?

9 General remarks:

(These should include remarks on the extent of personal interest taken by the Head of the office.)

Administrative Form No.53
(See Rule 301)

PAY ORDER BOOK

IN THE METROPOLITAN MAGISTRATE'S COURT
AT
EGMORE/GEORGE TOWN/SAIDAPET, CHENNAI

No.
.....20..

Dated

To
The Cashier,.....

Pay to the sum of Rupees
..... on account of Arrears of maintenance for 20..../batta to witness /
compensation to accused / Miscellaneous, due under the order of this
Court in No.... of 20....

Chief Clerk

Paid Rs.....

Cashier

Examined and entered
Accountant

Received payment.
Signature of recipient.

The Accountant General, Chennai
(through the Secretary and Treasurer
Reserve Bank of India, Chennai)

Administrative Form No. 55
(See Rule 301)

DISBURSING OFFICERS STATEMENT OF EXPENSES

IN THE METROPOLITAN MAGISTRATE'S COURTS, EGMORE / GEORGE TOWN / SAIDAPET, CHENNAI

Major Head of Account – 2014. Administration of Justice

Month of 20....

No.	Subject
(1)	(2)
I II III IV	Units of appropriation Appropriation of Budget Grant Expenditure to the end of the preceding month Disbursements during the month
Serial Number of bill	Date of drawal
V	Total disbursements of the month
VI	Adjustments intimated by the Accountant-General
VII	Progressive total of expenditure including adjustments
VIII	Liabilities: (a) Balance brought forward (b) New liabilities of the month (c) Deduct discharges of the month
IX	Balance of liabilities
X	Total progressive expenditure plus liabilities (VII plus IX)

[illegible]

Administrative Form No. 57

(See Rule 301)

DAILY CASH BOOK OF THE ACCOUNTANT

IN THE METROPOLITAN MAGISTRATE'S COURT, EGMORE/GEORGE TOWN/SAIDAPET, CHENNAI

Date	(1)	(2)	Fees and Fines													(13)	(14)	(15)	(16)	(17)	(18)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
Particulars			Government	(3)	(4)	(5)	(6)	The Indian Ports Act	Under the City Municipal Act		(8)	(9)	(10)	(11)	(12)	(13)	Total of columns (3) to (12)	Maintenance	Compensation	Batta	Miscellaneous		Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
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Remittance to the Bank	Date	Government	(20)	Rs. P.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
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[illegible]

Remittance to the Bank	Government	(20)	Rs P		
	S.P.C.A	(21)	Rs P		
	Port Trust By-Laws	(22)	Rs P		
	The Indian Ports Act	(23)	Rs P		
	Fines	(24)	Rs P		
	Licence fees	(25)	Rs P		
	The Prevention of Food Adulteration Act	(26)	Rs P		
	Public Health Act	(27)	Rs P		
	Fines under the Motor Vehicles Taxation Act	(28)	Rs P		
	Other amounts recoverable as fines	(29)	Rs P		
	Total of columns (20) to (29)	(30)	Rs P		
Maintenance		(31)	Rs P		
Compensation		(32)	Rs P		
Batta		(33)	Rs P		
Miscellaneous		(34)	Rs P		
Grand total of columns (30) to (34)		(35)	Rs P		
Balance [Columns (18) - (35)]		(36)	Rs. P		
Remarks.		(37)			
Date		(19)			

Administrative Form No. 59
(See Rule 301)
REGISTER OF RECOGNISED CLERKS OF ADVOCATES

Court:
Year:

S. No.	Name	Father's Name	Residence	Date of registration	Name of advocate under whom employed	Courts in which the advocate is authorized to practise	Date of removal from register	Remarks
1	2	3	4	5	6	7	8	9

Administrative Form No.60

[See Rule 25(1)]

..... Court,

REGISTER OF PAPERS RECEIVED

S. No.	From whom received	Purport	Disposal	Remarks
1	2	3	4	5

[See Rule 301]

..... Court,

REGISTER OF PAPERS DESPATCHED

[illegible]

[illegible]

[illegible]

ANNEXURE

(See Rule 207, Note 2)

REVENUE RECEIPT FOR JUDICIAL DEPARTMENT
0070 OTHER ADMINISTRATIVE SERVICES

Sl. No.	Head of Accounts	Old D.P. Code	New D.P. Code
01 ADMINISTRATION OF JUSTICE			
1	102 – Fines and Forfeitures AA – Magisterial Fines (0301)		
	229 Fines & Penalties	-	0070-01-102-AA-22900
	03 Labour	0070-01-102-AA-2936	0070-01-102-AA-22903
	04 Motor Vehicles	0070-01-102-AA-2945	0070-01-102-AA-22904
	06 Government	0070-01-102-AA-2963	0070-01-102-AA-22906
	07 Payable to Local Bodies	0070-01-102-AA-2972	0070-01-102-AA-22907
	99 Others	0070-01-102-AA-2999	0070-01-102-AA-22999
2	501 Services & Service Fees AA – Court Fees realised in cash		
	227 Non-Taxation Fees	-	0070-01-501-AA-22700
	10 Court	0070-01-501-AA-2710	0070-01-501-AA-22710
	501 Services & Service Fees AB – High Court Receipts		
	227 Non Taxation Fees	-	0070-01-501-AB-22700
	39 Translation and Printing Fees	0070-01-501-AB-2739	0070-01-501-AB-22739
	501 Services and Service Fees AC Receipts of Official Assignee		
	227 Non-Taxation Fees	-	0070-01-501-AC-22700
	10 Court	0070-01-501-AC-2710	0070-01-501-AC-22710
	99 Others	0070-01-501-AC-2799	0070-01-501-AC-22799
	AD – Miscellaneous Fees & Fines		
	229 Fines & Penalties	-	0070-01-501-AD-22900
	02 Judicial	0070-01-501-AD-2925	0070-01-501-AD-22902
	99 Others	0070-01-501-AD-2999	0070-01-501-AD-22999

Sl. No.	Head of Accounts	Old D.P. Code	New D.P. Code
3	800 Other Receipts AA – Sale proceeds of unclaimed and escheated property		
	237 Sale Proceeds	-	0070-01-800-AA-23700
	08 Sale Proceeds - Dead Stock and Other waste articles	0070-01-800-AA-3784	0070-01-800-AA-23708
	AB – Recoveries of overpayments		
	242 Recoveries	-	0070-01-800-AB-24200
	14 – Overpayments	0070-01-800-AB-4214	0070-01-800-AB-24214
	AC – Contribution towards Leave Salary of Officers lent to Foreign Service		
	223 Contributions and Donations	-	0070-01-800-AC-22300
	01 - Leave Salary	0070-01-800-AC-2316	0070-01-800-AC-22301
	AD – Other Receipts		
	227 Non Taxation Fees	-	0070-01-800-AD-22700
	99 Others	0070-01-800-AD-2799	0070-01-800-AD-22799
	AE – Charges recovered from Post Master General, Chennai towards taxes payable for the Post Office Buildings in the High Court		
	221 Receipts from Central Government	-	0070-01-800-AE-22100
	99 Others	0070-01-800-AF-2199	0070-01-800-AE-22199
	AF – Charges recovered from Government of India towards extension of High Court jurisdiction to Puducherry State		
	221 Receipts from Central Government	-	0070-01-800-AF-22100
	99 Others	0070-01-800-AF-2199	0070-01-800-AF-22199
	AG- Charges recovered from Railway Department towards Railway Magistrates Court		
	221 Receipts from Central Government	-	0070-01-800-AG-22100
	99 Others	0070-01-800-AG-2199	0070-01-800-AG-22199
	AH Sale proceeds of Tamil Law Journal Theerpputh Thirattu		
	221 Receipts from Central Government	-	0070-01-800-AH-22100
	99 Others	0070-01-800-AH-2199	0070-01-800-AH-22199
4	900 Deduct – Refunds AA – Judicial		
	277 Deduct/Refunds	-	0070-01-900-AA-27700
	99 Others	0070-01-900-AA-7799	0070-01-900-AA-27799
	AB - Magisterial		
	277 Deduct/Refunds	-	0070-01-900-AB-27700
	99 Others	0070-01-900-AB-7799	0070-01-900-AB-27799
	AD Other items		
	277 Deduct/Refunds	-	0070-01-900-AD-27700
	99 Deduct Refunds – Others	0070-01-900-AD-7799	0070-01-900-AD-27799

0030 – STAMPS AND REGISTRATION FEES

Sl. No.	Head of Accounts	Old D.P. Code	New D.P. Code
	01 STAMPS – JUDICIAL		
	101 Court Fees realised in Stamps AA - Court Fees realised in Stamps		
1	217 Stamps Duty		0030-01-101-AA-21700
	01 - Judicial in lieu of Court fees	0030-01-101-AA-0410	0030-01-101-AA-21701
	AB Deduct – Refunds – Court Fee Stamps		
2	277 Deduct/Refunds	-	0030-01-101-AB-27700
	99 - Others	0030-01-101-AB-7799	0030-01-101-AB-27799

High Court, Madars
10th December, 2019.

C. KUMARAPPAN,
Registrar General.